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MESSAGES

OF

GEN. ANDREW JACKSON:

WITH A SHORT

SKETCH OF HIS LIFE.

CONCORD, N. H.
JOHN F. BROWN AND WILLIAM WHITE.
BOSTON:
OTIS BROADERS & CO.
1837.

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In presenting this volume of documents to the public, the publishers are induced to hope that its execution will give satisfaction to its numerous patrons, and be considered worthy of the important matter it contains. More matter has been compressed into the work, than was promised in the Prospectus, and as the messages have in every case, been copied from the official documents of Congress, their correctness may be confidently relied on.

The biography of JACKSON is necessarily short, and assumes no higher character, than that of a brief and humble compilation. To abler hands we leave the task of sketching the life and character of Andrew Jackson, and raising still higher the monument of his renown, for which his biographers have laid so broad a foundation.

This volume, such as it is, we submit to a generous community, who have already given an earnest of their liberality—trusting that while the friends of General Jackson, will carefully peruse it, as a memorial of that distinguished individual—his enemies will feel whatever of excitement may have existed in their minds against him, removed by a candid perusal of its pages.

Concord, Jan. 10, 1837.

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This humble commencement of his military career, was as unfortunate, as its subsequent course was splendid and successful. Having been captured together with his brother, by a party of British and tories, they were both of them severely wounded for refusing to obey the insolent commands of a British officer, and then thrown into jail, confined in separate cells and treated with inhuman severity. The effects of this treatment were fatal to Robert Jackson, and Andrew no doubt left the prison behind him, confirmed in his devotion to his country, and his hatred of its enemies. The death of his mother soon followed—his eldest brother had died some time before at the battle of Stono, and Andrew, left without one surviving relative, was stretched on a bed of sickness and brought to the verge of the grave. Little did he think at that dismal period, of the retribution he was destined to inflict upon the enemies of his country and the spoilers of his family, or the distinguished honors reserved for him, by a nation of which he was so humble a citizen.

After some little delay, he recommenced his studies, and after pursuing them as far as his limited means would permit, entered upon the study of law, under Judge Mc Cay at Salisbury, North Carolina, and finished it under Col. John Stokes of the same place. In 1786, he was licensed to practise law, and being satisfied after an experiment of a few months, that this State presented few inducements to a young attorney, he determined to try his fortune in some of the new settlements then springing up in the western wilds. Accordingly, in 1788, he accompanied Judge McNairy who was going out to hold the first court in the South-West territory, which now constitutes the State of Tennessee. After innumerable difficulties, they arrived at Nashville in October, where Jackson immediately opened an office, and soon gained by his industrious attention to the duties of his profession, an exten-

sive and profitable practice. He was soon after appointed Attorney General of the district, an office which he held for several years.

In 1796, the South-West Territory having been admitted into the Union as a sovereign State by the name of Tennessee, Jackson was elected a member of the convention which framed its Constitution, and attracting the notice of his fellow citizens by his services in that body, in 1797, they elected him a member of Congress, and he soon after appeared in that body as the first Representative from the State of Tennessee.

In 1798, he was elected a member of the United States' Senate. This period has been aptly styled the "reign of terror," and the candid patriot of the present day, when he looks back upon the usurpations of the federal government, which distinguished it, cannot think it strange that the purest patriots of those times, should have trembled for the fate of their country. His course in the Senate at that juncture, was marked by a steady adherence to republican principles, and he had with nine others, the honor of voting for a repeal of the alien law. Disgusted however at the unconstitutional and extravagant measures which characterized the times, he soon resigned his seat. So warmly were his political friends attached to him, and so entirely did they approve of his conduct in the different stations in which they had placed him, that he had no sooner resigned his seat in the Senate than he was appointed a Judge of the Supreme Court. This office he also resigned, after holding it a short time, and retired to his farm on the banks of the Cumberland.

Having distinguished himself in those conflicts which are incident to a new settlement, springing up in the midst of a wilderness filled with savages, Jackson had at an early period been appointed Major General of the only division of militia in Tennessee. This office he held

at the commencement of the last war with England, when he responded to a call of the President for volunteers, at the head of twenty-five hundred citizens of Tennessee, enlisted by his own exertions. Their services were accepted by the general government, they were organized and placed under his command, and he was immediately ordered to march in the direction of New-Orleans, and prepare for the defence of the lower country, which was then considered in danger. After a toilsome march of several hundred miles, performed in the most inclement season of the year, Jackson arrived at Natchez, where he had received orders to rendezvous, and where he was constantly engaged in disciplining his men, and training them for more active service. While thus employed, all cause for present apprehension having in a measure been removed, by a change in the enemy's movements, he received a laconic order from the Secretary of War, commanding him to disband his troops and deliver over all the public stores in his possession to General Wilkinson, who was then commander of that military district—an order which must have had its origin in entire ignorance of the circumstances, or utter recklessness of the public good. His men, obedient to the call of their country, had left their homes, and marched with him six hundred miles through the wilderness, in the midst of winter, in the confident expectation of being confronted with their country's enemies; and had he literally obeyed the order, he must have left them to the alternative, of enlisting in the regular army, or making their way to their homes, through almost impassible forests, filled with savages, without the means either of subsistence or defence. He therefore embodied his little army, and after delivering over such of the stores in his possession as could be spared consistently with the safety of his men, and raising five thousand dollars on his own personal credit, to provide still fur-

ther for their comfort, he immediately commenced his march for Tennessee. Having arrived there after the greatest fatigues, during which he often "resigned his horse to assist in conveying the sick, and marched on foot with his soldiers," he disbanded his men.

He did not however long enjoy the pleasures of retirement. The massacre at fort Mimms, in which the Creek Indians, headed by the brutal Weatherford, murdered three hundred American citizens, without distinction of sex or age, followed as it was by a general attack on our frontiers, called for severe chastisement. General Jackson, though but recently confined to his room with a fractured arm, took the command of the Tennessee forces. In his address to them on the opening of the campaign, he detailed the repeated outrages of the savages, and entreated his troops to manifest that zeal for their country's safety, which the exigencies of the time demanded. "We are about," he said, "to furnish these savages a lesson of admonition; we are about to teach them that our long forbearance has not proceeded from an insensibility to wrongs, or an inability to redress them. They stand in need of such a warning. In proportion as we have borne with their insults, they have been multiplied in number and increased in atrocity. But the measure of their offences is at length filled. The blood of our women and children recently spilled at fort Mimms calls for our vengeance; it must not call in vain. Our borders must no longer be disturbed by the war whoop of these savages, or the cries of their suffering victims. The torch that has been lighted up, must be made to blaze in the heart of their own country."

Such was the inspiriting language with which General Jackson addressed his troops at the commencement of his first Indian campaign—a campaign which from its commencement to its close was one continued series of victo-

ries. Placed some part of the time in the command of disaffected troops and continually embarrassed for the want of supplies—Jackson at once carried the war into the enemies' country, and at the end of six months had completely terminated the contest with his savage enemies, leaving the bones of a large portion of them to whiten on a dozen fields of battle, and compelling the scattered remnant to seek safety in negotiation.

In June 1814, Jackson was appointed a Brigadier General in the army of the United States, and was soon after authorized to conclude a treaty with the conquered Indians. A treaty was entered into, dictated upon just but severe terms; the Creeks surrendering a portion of their territory to the United States as an equivalent for the expences of the war, conceding to it the privilege of intersecting their country with roads and navigating its rivers, and binding themselves to abstain from all intercourse with the forts and garrisons of the British and Spanish nations.

This treaty did not however prove entirely effectual. A portion of the Creeks, disaffected with its terms, retired to the neighborhood of Pensacola, where with the countenance of the Spanish Governor, they awaited a favorable opportunity for committing new outrages. Even while the treaty was negotiating, Jackson received almost daily, some new evidence of the hostile disposition of Governor Manriquez. Indeed, that officer, though pretending to be strictly neutral in the contest between this country and Great Britain, seemed disposed, secretly to assist the latter government, in all its warlike operations against us.

Soon after the conclusion of the treaty, having taken up his quarters at fort Jackson, and seeing continued cause to regard the conduct of the Governor of Florida with suspicion, he frankly addressed him, requesting

some explanation of his conduct, as well as the course he intended in future to pursue. The Governor evidently relying on the British government for protection, answered in a strain of arrogance, arraigning the conduct of the United States, and expatiating in a menacing tone on the dangers to which the approaching peace of Europe would expose them, instead of explaining his own dark and treacherous conduct.

Jackson addressed him a second time, repelling the charges raised against his government, and using in the conclusion of the correspondence, the following frank and characteristic language:

"My government will protect every inch of her territory, her citizens and their property, from insult and depredation, regardless of the political revolutions of Europe, and although she has been at all times sedulous to preserve a good understanding with all the world, yet she has sacred rights that cannot be trampled upon with impunity. Spain had better look to her own intestine commotions, before she walks forth in that majesty of strength and power, which you threaten to draw down upon the United States.

"Your Excellency has been candid enough to admit your having supplied the Indians with arms. In addition to this I have learned, that a British flag has been seen flying on one of your forts. All this cannot be done while you are pretending to be neutral. You cannot be surprised then, but on the contrary will provide a fort in your town, for my soldiers and Indians, should I take it in my head to pay it a visit.

"In future I beg you to withold your insulting charges against my government, for one more inclined to listen to slander than I am; nor consider me any more as a diplomatic character, unless so proclaimed to you from the mouths of my cannon."

The entire exposure of the hostile feelings of the Governor of Florida was the only immediate result of this correspondence. A large number of British troops, were soon after seen at Pensacola, mingled with Indians, armed with muskets and wearing British uniforms. Jackson gave immediate information of these facts to his government, exclaiming against the "open insults" so wantonly offered by Spain, and asking permission to march to Pensacola and plant the American eagle on its walls. Meanwhile, being conscious of the exposed situation of the southern country, he was constantly at his post, recruiting the little body of regular troops under his command with militia and volunteers, enrolling and disciplining the friendly Creeks and forming an efficient army from the scanty materials within his reach.

Whether the force thus accumulating was destined to act on the defensive, or attack the British within the Spanish territory was as yet unknown, it being a characteristic of General Jackson, "to lock his determinations closely in his bosom," or impart them only to the few who possessed his unlimited confidence. Whatever might have been his original intentions, circumstances soon occurred, which confirmed him in his determination to "carry his arms where he could find his enemies." Col. Nichols, arrived at Florida in August 1814, and not only disciplined his troops, and concerted his measures of attack within its limits, but issued a proclamation under the eye of Governor Manriquez, declaring the hostile nature of his designs, and urging citizens of the United States to rebellion.

After a short interval, designed no doubt to allow his proclamation time to work on the minds of the people, he made a furious attack upon fort Bowyer, a post of some importance, situated upon Mobile bay and commanding its entrance. The fort was garrisoned by a mere hand-

ful of men, and Col. Nichols as he hurried with several ships and a large body of soldiers to the attack, was so sanguine of success as hardly to expect resistance. The first broadside from his ships, the first yell of his savages would as he supposed, induce the defenders of the fort to surrender at discretion. Somewhat different was the result. Instead of victory, he was destined to experience defeat. His best ship was lost in the enterprise, and a number of his men, nearly double the whole force he had engaged, and when he returned, with the shattered remnants of his troops to Pensacola, the only badges of victory he had to present his friends, with whom he parted a few days before with so much confidence of success, were 'shattered hulks that could scarce keep above the water, and decks covered with dead and wounded.'

Immediately subsequent to this event, Jackson, who had recently been appointed Major General, determined that the enemies of his country should no longer find a refuge in Florida, entered it, reduced Pensacola which had long been the rallying point of the enemy, and was now their refuge, accepted the surrender of fort Barrancas, and forced the British troops to take refuge in their shipping, and the Creeks in the woods. This enterprise was the work of only six days, but its consequences were felt during the remainder of the war. The British were dislodged and their plans disconcerted, the Spaniards taught to respect the character of our government and the Indians plainly admonished that while they were engaged in hostile operations against the United States, no place could protect them from its vengeance.

A new scene of action now awaited General Jackson. While the cloud of war was bursting upon the South from a neutral territory, the British commanders both naval and military, were evidently concentrating their forces, and preparing for a grand attack. A desperate at-

tempt was necessary, to wipe off the numerous disgraces sustained by the British arms by land and sea; and the exposed situation of the southern coast, left little doubt as to the quarter in which the attempt would be made. Louisiana in particular, which had been recently admitted to the Union, was almost entirely destitute of the means of defence. Accessible from the sea by numerous inlets, without fortifications, and having a thin population, scattered over its surface, neither provided with arms nor united in sentiment; its inhabitants were overwhelmed with despair, and destitute alike of the means and the hope of successful defence, from the attack which the movements of the enemy gave them every reason to apprehend.

Such was the condition of the citizens of Louisiana, when General Jackson arrived with his little army at New-Orleans, which he designed to make the centre of his operations for the defence of the southern country, and which he had every reason to believe, would be the first object of attack.

He at once saw the difficulties with which he had to contend, and determined to surmount them, preserve the city, and protect the honor of his country, or perish in the attempt. He organized and disciplined the militia—collected volunteers from all quarters—addressed the inhabitants of New-Orleans, appealing to them by every sentiment of patriotism, to unite in the defence of their country, and by manifesting confidence himself, he soon succeeded in inspiring confidence in the community around him.

The French population however, as if grateful to the English for restoring the Bourbons to the throne of France, were generally disaffected, and refused to assist in the preparations for the common defence. Had the public functionaries done their duty, this partial disaffection would have been instantly suppressed, but the Leg-

islature itself was tainted with disaffected sentiments and many of its members connived at the growing discontent. The patriotic Governor of the State however, united with General Jackson in every exertion the exigences of the times demanded.

Such were the dangers of the country, and the difficulties of managing its defence, surrounded as he was, by traitors and spies, that General Jackson found it in vain to depend upon the force of civil law to restrain the turbulent and ill disposed, and assumed the responsibility of declaring the city under martial law. He did it on due reflection, wisely judging, that it was better to suspend the laws for a time, for their own preservation, than to permit them to be trodden down forever beneath the foot of a foreign invader.

In all his measures preparatory to the defence of New-Orleans, harrassed as he was, by the intrigues of internal enemies, Jackson preserved the utmost firmness and while he occasionally treated with some severity, that *cold* and *selfish* portion of the community, who, amid the *common* danger, thought only of *private* interests, his severity itself was mingled with a degree of pleasantry peculiar to his character. It is related that when at a subsequent period, his troops were engaged in piling up the famous "cotton bags" as a barrier against the veterans of Wellington, a rich and surly cotton dealer accosted the General, and requested in an imperious tone, that he would "appoint a *guard* for his cotton." "Certainly" replied the General, "your request shall be complied with; here sergeant! give this gentleman a musket and ammunition, and station him in the line of defence; no one can be better qualified to guard the cotton than *its owner*."

Towards the close of December, 1815, Jackson was reinforced, by large detachments of soldiers from Tennessee and Mississippi. Soon after, on the 23d of De-

cember, the enemy having previously defeated a small naval force on lake Borgne and obtained the command of its waters, landed, surprised the American out-posts, and marching through an uninhabited region, were within seven miles of New-Orleans before they were discovered. So secure did they consider themselves, and so little did they fear from the undisciplined troops with which they had to contend, that an American force, sent out late in the afternoon to arrest their march, found them within their encampments. A sharp conflict ensued in which the British were driven from every position they attempted to maintain. A thick fog coming on, the Americans were compelled to suspend the attack, and the British though routed with the loss of four hundred men, still occupied a position on the borders of lake Borgne, within reach of their shipping.

Having defeated this first attempt of the enemy, General Jackson labored with the utmost diligence to increase his means of defence. On the 27th, the enemy left their encampment, gathering confidence from some slight naval successes, considerably reinforced and commanded by Sir Edward Packenham in person, and advanced towards the American line. Early on the 28th, his columns prepared to storm our works, opening a tremendous cannonade, and pouring vast quantities of rockets, balls and bombs upon the Americans, with the vain hope, no doubt, of compelling them to relinquish their strong holds, or surrender at discretion. After a short contest however, the enemy were again repulsed with considerable loss.

Previous to this engagement, a rumor circulated through New-Orleans, that in case of a defeat, General Jackson intended to fall back upon the city and lay it in ruins. Influenced by this rumor, a committee of the Legislature, which both prior and subsequent to this event,

rendered itself so infamous by its treasons, wa[illegible] him to enquire "what would be his course shou[illegible] sity compel him from his position." "If" replied the General, "I thought the hair of my head could divine what I should do, forthwith I would cut it off; go back with this answer; say to your honorable body, that if disaster *does* overtake me, and the fate of war drives me from my line to the city, they may expect to have a *very warm session.*"

On the first of January, the British made another attack on the American lines, supported by their heavy artillery, but it ended like that which preceded it, in defeat.

Sir Edward Packenham having discovered from so many repeated disasters, that it was no easy affair to vanquish an army of freemen on their own soil, determined to make one grand and final effort, to redeem the British arms from the tarnish of so many defeats. His motives for action were founded on the strongest principles of human nature. Distinguished by his military exploits on the battle fields of Europe—a veteran officer under Wellington—every sentiment of pride urged him to struggle for a victory, which a country that had loaded him with honors, so confidently expected at his hands. Jackson acted upon nobler principles. Born in a wilderness—reared amidst the storms of the revolution, the dangers and difficulties which had marked his course, had well prepared him for times of trial. He stood too, on American soil; the enemy before him had oppressed his ancestors—murdered his brother—treated himself with shocking barbarity when a prisoner in his hands—instigated the ruthless savages to butcher his countrymen; and was now, with "beauty and booty," for his watchword, preparing to visit the valley of the Mississippi with the same

scenes of rapine, which had already marked his course through a portion of our country.

From the first to the seventh of January, both armies were busily engaged; the one in preparations for attack and the other for defence. On the 8th, at the dawn of day, a sky-rocket near the swamp on the right of the enemy, and soon after another on his left, near the river, gave signal for the onset. The batteries, which had been nearly demolished on the 1st, having been repaired during the last night, disgorged a furious torrent of bombs and balls against our works, while the sky blazed with their Congreve rockets. Amidst this tremendous tempest, the enemy, in two divisions and formed in solid column, rushed on. The moment they emerged from the fog, which had enabled them to approach our works unperceived, our brave countrymen, fully prepared for their reception, hailed them with three cheers, and instantly commenced the work of death. Along the whole line, from artillery and small arms, were hurled the missiles of destruction. So rapid was the discharge of the musketry, that no pause could be perceived to break the continual roar. It was in vain that the "conquerers of the conquerers of Europe" attempted to advance. They wavered—they paused—in vain Sir Edward Packenham, the commander in chief, strove to lead them forward—he fell and they fled. Generals Gibbs and Keane were also carried, disabled, from the field. Nor could General Lambert, with the reserve, stop and rally the fugitives, till they found safety in distance. Here, at length, he succeeded in arresting them and arousing their courage and their pride to return, over their dead and dying comrades, once more to the charge. They did indeed return, but the same irresistible messengers of death again swept them down as fast as they could display, till, deaf to the calls of glory and of discipline,

they once more fled in confusion from the field, leaving it covered with their killed and wounded.

Thus terminated the Battle of New-Orleans. The proud English veterans, who, but a few hours before, had marched so gaily to the attack—inspired by a love of plunder and debauchery and a sovereign contempt for their enemies—their arms glittering, and their music filling the air with the same warlike strains which had so often marshaled them to victory; were now—low in the dust, lifeless and covered with blood, or driven with disgrace from the field. Neither "beauty or booty" inspired the shattered remnants of the British army, as it hurried, defeated and dismayed from our shores; while two thousand of its bravest troops, hugged the cold earth for a mistress, and owed to the generosity of their enemies, a grave in the same soil, over which they had but lately marched with so much pomp, and so many golden dreams of plunder.

The British had long looked forward with hope to the issue of a grand attack like this, entertaining scarcely a doubt that it would retrieve the fortune of their arms, and place the whole valley of the Mississippi at their command. Indeed one of the British Commissioners at Ghent is said to have indulged in the boast, that before the treaty could be ratified by the United States, New-Orleans would be in the possession of Sir Edward Packenham! And when the strength of the British troops at that time concentrating on our coast, was contrasted with the weakness of our own, our countrymen had some cause to fear a realization of their enemies' wildest hopes. What then must have been the mortification of every English, and the satisfaction of every American citizen at the result. More than two thousand British troops were left dead on the field, while the whole American loss did not exceed thirteen. For such a carnage, such a disparity of loss,

such a prompt and utter defeat—the whole range of history can scarcely furnish a parallel.

On the 21st of February, unofficial intelligence of the conclusion of peace, by the Commissioners at Ghent, arrived at General Jackson's camp. This news, together with the retreat of the enemy to their shipping seemed to many to put an end to danger; and immediately a clamor began to rise against the discipline and restraints of military service. Men, who, when the enemy was in sight had willingly shared the dangers of the field, murmured against the dull routine of duty, incident to a soldier's life, in the enemy's absence. The ill disposed and factious siezed eagerly upon this opportunity, to excite disaffection in the American army. They exhibited in bold contrast the hardships of the soldier's and comforts of the citizen's life; accusing General Jackson, of detaining the citizens of New-Orleans, who had so bravely fought their country's battles by his side, from their families and homes, unnecessarily, and with no other motive than the enjoyment which a tyrant derives from the abuse of power. Meanwhile the enemy remained within striking distance receiving constant accessions of strength, and ready on the first appearance of defection in the American troops, to make another tremendous effort to fulfil the prediction of the British Commissioner, by planting before the treaty could be ratified in this country, the British standard in New-Orleans.

At this juncture, Louallier, a member of the Louisiana Legislature, published an article in one of the New-Orleans papers, which induced several companies belonging to that city to desert the posts they occupied, and leave it destitute of defence at a point exceedingly exposed to attack. The article was so seditious in its character—so mischievous in its results, that Jackson immediately arrested Louallier, charged with exciting mutiny and

giving information to the enemy. Judge Hall, who seems to have indulged to a great degree the feelings of disaffection so prevalent in the city, and to have been ready to pervert the authority of his office to increase the difficulties with which Jackson was surrounded, no sooner heard of Louallier's arrest, than he issued a writ of *habeas corpus* for his rescue. For Jackson to have yielded would have been the height of folly. He had been compelled to declare martial law, for the defence of his country from invasion, and to have conceded to civil authority, the right to shield from punishment and even interruption, treasons committed immediately under his eye, instead of entitling him to the character of a patriot, would have consigned him to a level with those vacillating, nerveless characters, who shrink from *every* responsibility, and deem the interest of their country, of far less consequence than their own *individual* reputation. With a firmness which has characterized all his actions, he met the crisis. He denied the right of the Judge to interfere, while the city remained under martial law, and fearing evil consequences from future and repeated collisions between the civil and military authority, wisely ordered the Judge to remove beyond the lines of defence. This energetic measure produced the most beneficial results; every appearance of disaffection disappeared, and every tone of sedition was hushed.

If however, Jackson had been compelled to disregard the authority of one of the ministers of the laws, to preserve the laws themselves, the final ratification of peace no sooner took place, than he made a most splendid atonement. The applause of thousands greeting him wherever he turned, and all America hailing him as the "defender of her soil," he divested himself of the trappings of war, and dressed in the plain garb of a citizen, placed himself at the bar of his country, before the same

Judge Hall, whose interference he had disregarded when his country's interests required it, but whose jurisdiction he most cheerfully acknowledged on the return of peace.

The Judge proceeded to the trial with feelings undoubtedly more favorable to vengeance than to deliberate justice. He refused to listen to a defence, which General Jackson had prepared, and decided with his ears closed to argument. On the 31st of February, General Jackson appeared in Court to receive his sentence. Undiscovered in the midst of the crowd which had assembled to hear what sort of a sentence Judge Hall would pronounce upon him for acts which had contributed to the preservation of their homes and their liberty, Jackson had almost reached the bar, when being seen, the court room instantly rung with the shouts of a thousand voices. Raising himself upon a bench and motioning with his arm, to procure silence, a pause ensued. The Judge was alarmed, and remarking that it was unsafe to transact business under such threatening circumstances, directed the Marshall to adjourn the court. The General interfered and requested that it might not be done. "There is no danger here," he said "there shall be none—the same arm that protected from outrage this city, against the invaders of the country, will shield and protect this court, or perish in the attempt."

The sublime spectacle having thus been presented, of a successful General, submitting himself to a civil tribunal for trial—a prisoner at the bar, defending by the weight of his character the Judge on the bench, the business of the court proceeded. Jackson was now required to answer a string of interrogatories, drawn up in studied form, which were to determine as to his guilt or innocence. He informed the court that he should not be interrogated, that on a former occasion he had presented the reasons which had influenced his conduct, without their produc-

ing any effect, or even being listened to. "You would not," he said, "listen to my defence, although you were advised that it contained nothing improper. Under these circumstances, I appear before you to receive the sentence of the court, having nothing further in my defence to offer.

"Your Honor will not understand me as intending any disrespect to the court; but as no opportunity has been afforded me of explaining the reasons and motives by which I was influenced, so it is expected, that censure or reproof, will constitute no part of that sentence which you may imagine it your duty to pronounce."

The Judge fined General Jackson one thousand dollars. The hall in which the court was held, had been crowded with anxious spectators and a feverish excitement prevailed throughout the city. The sentence was scarcely pronounced, when another loud shout arose from every part of the hall. Jackson was siezed in spite of his exertions, and borne off to his lodgings, amid the loud cheers of the citizens of New-Orleans; who seemed to act almost equally under the influence, of the very opposite sentiments, of gratitude to the preserver of their city, and indignation against the Judge who had denounced punishment on his head. Having arrived at his lodgings, he addressed the people, explaining the motives which had governed his conduct, thanking them for their manifestations of friendship and enjoining them to respect the laws, even when they inflicted punishment for deeds which they could not fail to approve.

The ladies of New-Orleans, grateful to the defender of their homes, made up a subscription to discharge the fine. But General Jackson, who had scorned to shrink from the responsibility of a collision with the civil authorities, when his country's good required it, scorned likewise to evade the consequences. He therefore anti-

cipated the measure, which their gratitude had prompted, paying the fine himself, and nobly recommending a distribution of the sum which had been raised in New-Orleans for that purpose, among the widows and orphans of those who had fallen in its defence.

Having at length completed the arduous duties assigned him at New-Orleans, General Jackson returned to Nashville, leaving a grateful community behind him. Even those who had intrigued against him, during the contest in which he had been engaged, had either been silenced by his successes, or convinced by reflection of the error of their conduct.

At the close of the war, the army was disbanded and a peace establishment was substituted in its place, consisting of a northern and southern division. Of the latter of these, General Jackson was immediately appointed Commander in Chief. The appointment was received with general approbation, and it seemed to be universally admitted, that no other officer could be found, equal to the task of defending our immense extent of frontier, from the savage tribes which then inhabited the western wilds, and held sway over vast tracts of country, which are now filled with civilized inhabitants and blossoming like the rose with the charms of cultivation.

Nor was Jackson long to enjoy in repose the laurels he had won. Near the close of the year 1817, the Seminole Indians, emerging from Florida, and committing repeated massacres on the American frontiers, General Jackson was ordered to march against them and put an end to their outrages. At the head of the Tennessee volunteers and a body of troops from Georgia, he penetrated into Florida, captured St. Marks which had become the centre of the Indian hostilities, and from thence, directed his efforts wherever his skulking enemies could be found, scattering their forces, cutting off their supplies and

burning their villages. Two English incendiaries, Arbuthnot and Ambrister, principal instigators of the war, were arrested, condemned by a Court Martial and executed. Jackson had placed a garrison in St. Marks and was about returning to Tennessee, when having learned that the scattered Indians, were uniting their forces, in the neighborhood of Pensacola under the protection of its Governor, he marched, in the month of July, into the district, at the head of twelve hundred men, and took possession of Pensacola. Fort Barrancas, to which the Governor had escaped, yielded on the 28th. Two detachments were soon after sent to clear the country of fugitives, and in June 1818, General Jackson returned to Tennessee. Congress at its next session, justified his course in taking possession of the Spanish fortresses, and executing the British renegades. Soon after he made a tour of the northern cities, and was every where received with the most enthusiastic proofs of regard.

During the year 1821, Florida was ceded to the United States by Spain, and General Jackson was appointed its Governor, and invested with all the absolute powers, civil and military, which had been exercised by his predecessors, under the monarch of Spain. Having organized the new government, and for a few months, discharged his important duties with honor to himself, and advantage to his country, he resigned, at the same time, expressing a hope that Congress would never again entrust similar powers to any one man.

In the Autumn of 1822, the Legislature of Tennessee nominated General Jackson to the Chief Magistracy, as successor to Mr. Monroe, and in many parts of the Union, the nomination was favorably received. On the 23d of January, 1823, he was appointed Minister Plenipotentiary to Mexico. This appointment, unexpectedly conferred, he declined, urging as a reason, that "the appear-

ance of an American envoy, with credentials to the tyrant Iturbide, might aid him in riveting the chains of despotism upon a country which of right ought to be free.' But a short time afterwards, the Mexican emperor resigned his throne, and fled in disgrace from a country, which his usurpation had so nearly ruined.

The Presidential canvass in 1824, was conducted with considerable spirit, and when it is recollected, that there were four candidates in the field, all of them talented, all of them possessing great personal popularity, it will not be deemed a matter of surprise, that no choice was effected. Jackson received a *plurality* of votes, but the election devolving on the House of Representatives, John Quincy Adams was elected President, under circumstances, well calculated to excite suspicions of corruption.

In October 1825, Jackson was again nominated to the Presidency, by an almost unanimous vote of the Tennessee Legislature. He soon after resigned his seat in the United States' Senate.

The democratic party throughout the nation, disgusted with the *manner* of Mr. Adams' election, and dissatisfied with the measures which marked the commencement of his administration, no sooner saw the name of Jackson announced, a second time, as a candidate for the Presidency, than they rallied to his support. Jackson's prudent course during the canvass of 1824, the remembrance of his eminent public services, and the general circulation of an opinion, that a corrupt combination had defeated his election in the House, all conspired to render him popular with the people. In conducting this Presidential campaign, Mr. Adams was supposed to possess great advantages. The patronage of government wielded by the skilful hand of Mr. Clay, and a corrupt and subsidized press, were instruments of power, which it was sup-

posed, would be amply sufficient, to sustain Mr. Adams, against all opposition.

The contest was conducted with a degree of bitterness almost unparalleled. The public acts, and even the private character, of both candidates were severely criticised. Jackson in particular, was held up before the community, as a monster capable of the most horrid cruelties, and guilty of violating every principle of virtue and humanity. The good sense of the community, was alike proof to the influence of the government, and the slanders of its advocates. After a full comparison of the merits of the opposing candidates, and a candid examination of the principles upon which they were supported, the people of the United States, in the Autumn of 1828, elected Jackson to the Presidency by a majority larger than the whole number of votes received by his opponent.

After entering upon the duties of his office, General Jackson, in December 1829, presented his first message to the Representatives of the nation, a paper which by the talents it exhibited and the correct sentiments it advanced, gained very general approbation.

Finding a large share of the public trusts, throughout, the whole country, monopolized by his political opponents, he removed several individuals from offices which they had held under Mr. Adams, and supplied their places with his political friends. Common justice, indeed, required that the *majority*, by whose suffrages he had been elevated to the head of the government, should have at least an *equal share* in its administration. Considerable excitement was naturally raised against the President on account of these removals. Individuals from whom they had taken situations of profit and honor, discovered in them sure indications of approaching "despotism," and there were not wanting those, who considered it a most

pathetic circumstance, that many individuals had "grown grey" in the very offices, from which they had been irreverently removed by General Jackson.

The first four years of Jackson's administration, were distinguished for public measures, of great and general interest. Our commerce, manufactures and agriculture; our domestic policy and our foreign relations, were constantly the subjects, both of Legislative and Executive action. With a degree of independence, highly honorable to his character, General Jackson turned his attention to the correction of evils, which under former administrations, had corrupted our legislation, and which, in the opinion of many of our wisest statesmen, threatened to undermine the foundations of the Constitution. The Tariff, was by his recommendation so reduced as to place the great interests of the nation upon a more equal footing. The great system of internal improvement, which contemplated the imposition of an enormous tax upon the whole country, for the construction of roads through some of its parts, was arrested by the Veto on the Maysville road bill. The removal of the Georgia Indians, the extension of the facilities of the Post-Office department, and the Veto on the bill for re-chartering the United States' Bank, were among the measures which distinguished the first four years of Jackson's administration.

Many of these measures, were made the subject of bitter complaint. The reduction of the Tariff, it was predicted, would ruin our manufactures; the overthrow of the system of internal improvements, depopulate the West. The policy of the President toward the Georgia Indians, was stigmatized as cruel and unjust, and his exercise of his constitutional right of Veto, against the Bank bill, was denounced as an act, at once, ruinous to the interests, and even dangerous to the liberties of the country.

Notwithstanding these clamors, however, the great majority of the American people, calmly decided on the character of the political events, passing before them, and at the Presidential election in the Autumn of 1832, though opposed with great spirit, Jackson was re-elected, receiving more *than three fourths of the electoral votes.*

The excitement of the election was scarcely past, when a portion of the citizens of South Carolina raised the standard of nullification. For a while the cloud of sedition lowered in the southern sky, like the dark forerunner of a tempest, threatening to shake our republican institutions to their foundation. Under the firm and judicious administration of Jackson, however, the cloud was dispelled, and the most dangerous crisis in the history of the Union past away, leaving our country unstained with blood and unscathed with harm.

Soon after the happy termination of the difficulties between South Carolina and the Union, and early in the summer of 1833, General Jackson, accompanied by Mr. Van Buren, and two members of his cabinet, made a northern tour. Wherever he went, he was received with the most distinguished tokens of respect. Faction itself, forgot its bitterness on the occasion, and all parties united in welcoming and honoring the man, whose judicious policy, had done so much to save the country from the horrors of a civil war.

The removal of the government deposites from the United States' Bank, took place in October 1833. This measure created a very general excitement. It was bitterly denounced by the enemies of the President, as the cause of the *pressure* which followed it, but which his friends ascribed to the designing operations of the Bank itself. The opposition was revived by a subject of censure so new; its press predicted a speedy revolution of parties; and its leaders in the Senate of the Nation, wil-

ling to forward such a result, by holding up the President to public reprobation, inscribed a solemn resolution on their Journals, declaring, that in his course in relation to this subject, "he had assumed upon himself authority and power, not conferred by the Constitution and Laws but derogatory to both."

The removal of the deposites, however, bitterly as it was denounced by the enemies of the Administration, was approved by his friends, the temporary excitement raised on the subject reacted upon its authors and public sentiment throughout the country, condemned the resolution of the Senate, as an insult to the President, wantonly and causelessly offered. The day is probably not far distant, when the Senate itself, will echo the voice of the people, and the resolution above alluded to, in accordance with a motion of Mr. Benton, "will be encircled with lines as black as its own injustice" and "EXPUNGED BY ORDER OF THE SENATE."

In managing the foreign relations of the country, Jackson has been eminently successful. His reputation for unyielding energy and unwavering justice, as well known abroad as at home, has carried with it the assurance, that he would ask nothing but right and submit to nothing wrong. As a natural consequence, our claims on foreign powers have been respected, our grievances removed, aud our national character elevated. Our flag is every where a protection from insult, and our commerce finds welcome and security in every port. The West-India trade has been restored to us—we have received indemnity for the aggressions of Brazil and Denmark, and last of all France—after twenty years delay—after retiring upon her offended honor to escape from her obligations, has at length been induced by the firmness of the President, to render us full satisfaction for her former outrages on our commerce.

The public career of President Jackson is now nearly at an end. Like every other individual who has occupied prominent stations, and assumed the responsibility of daring enterprizes and independent measures, it has been his lot, to see many of his acts condemned by a portion of his fellow citizens. If, however, the fire of party resentment has raged around him, he has come out unharmed from the flames. The scales of prejudice are already falling from the eyes of his enemies, and those who have heretofore seen in his independent course, only the stubbornness of a tyrant, begin to discover in his history, many marks of a statesman's wisdom and a patriot's honesty.

The person of Jackson is singularly erect, tall and thin, and indicates a life of toil, His countenance is striking and animated, and denotes great firmness and energy of mind. His manners are entirely free from that harshness, which we naturally associate with the military character; and although much of his life has been past in camps, he presents an instance and perhaps the only one, of the union of extraordinary firmness of character with extraordinary suavity of manners. His services as President of the United States and Commander in Chief at New-Orleans are alike matters of history, and in future times, the soldier as he risks his life in his country's cause, and the patriot as he stems the tide of corruption for its benefit, will be alike cheered and encouraged by his example.

JACKSON'S MESSAGES.

INAUGURAL ADDRESS, 1829.

Fellow citizens: About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion, to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honor they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States; to superintend their foreign and confederate relations; to manage their revenue; to command their forces; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavor to accomplish this circle of duties, it is now proper for me briefly to explain.

In administering the laws of congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office, without transcending its authority.

With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honorable terms; and, in the adjustment of any difference that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt—the unnecessary duration of which is incompatible with real independence—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of congress for the specific appropriation of public money, and the prompt accountability of public officers.

With regard to a proper selection of the subjects of impost, with a view to revenue; it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favored; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dockyards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention, sooner than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will; as long as it secures to us the rights of person and property, liberty of conscience, and of the press, it will be worth defending; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

It will be my sincere and constant desire to observe, towards the Indian tribes within our limits, a just and liberal policy; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government and the feelings of our people.

The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course

of appointment, and have placed, or continued power, in unfaithful or incompetent hands.

In the performance of a task thus generally delineated, I shall endeavor to select men whose diligence and talents will ensure, in their respective stations, able and faithful co-operation—depending, for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples, of public virtue left by my illustrious predecessors, and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction.

FIRST ANNUAL MESSAGE,

DECEMBER 8, 1829.

Fellow-Citizens of the Senate and House of Representatives;

It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the Seat of Government, to enter upon the important duties to which you have been called by the voice of our countrymen. The task devolves on me, under a provision of the Constitution, to present to you, as the Federal Legislature of twenty-four sovereign States, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our Union.

In communicating with you for the first time, it is, to me, a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

Our foreign relations, although in their general character pacific and friendly, presents subjects of difference between us and other Powers, of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of

my earnest endeavors; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavorable results. Blessed as our country is with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the Executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the government, and by the intelligence and patriotism of the People, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

Of the unsettled matters between the United States and other Powers, the most prominent are those which have, for years, been the subject of negotiation with England, France, and Spain. The late periods at which our Ministers to those Governments left the United States, render it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honorable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations: Such are my own views; and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full developement of the policy which the present Cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and and acceptable adjustment of our affairs.

Under the Convention for regulating the reference to arbitration of the disputed points of boundary under the the fifth article of the Treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candor and liberality which ought ever to characterize the acts of sovereign States, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this Confederacy. The exposition of our rights, already made, is such, as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the Court of the Sovereign who has evinced his friendly disposition, by assuming the delicate task of arbitration, have been committed to a citizen of the State of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

From France, our ancient ally, we have a right to expect that justice which becomes the Sovereign of a powerful, intelligent and magnanimous People. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression upon the minds of those who are charged with the administration of her government. Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our Minister to that Court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and, in many instances, by the express direction, of the then existing Government of France, remained unsatisfied; and must, therefore, continue to furnish a subject of

unpleasant discussion, and possible collision, between the two Governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened Governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our Minister has been instructed to press these demands on the French Government with all the earnestness which is called for by their importance and irrefutable justice; and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

Our Minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a Commercial Convention upon liberal and reciprocal terms; or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a further appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honor of that Government, authorize us to expect will not be made in vain.

With other European Powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favorable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these Powers having been ratified, we cannot be insensible to the great benefit to be derived by the commerce of the United States, from unlocking the navigation of the Black Sea—a free passage into which is secured to all merchant vessels bound to ports of Russia under a flag at peace with the Porte. This advantage, enjoyed upon conditions, by most of the Powers

of Europe, has hitherto been withheld from us. During the past Summer, an antecedent, but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favorable results. Although these results have fortunately been thus in part attained, further facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to ensure to them our most zealous attention.

Our trade with Austria, although of secondary importance, has been gradually increasing; and is now so extended, as to deserve the fostering care of the Government. A negotiation, commenced and nearly completed with that Power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the Senate.

During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the Representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and, as far as practicable, prospective codition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our Government, in like cases, was no longer withheld.

Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that Government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the Government, together with the uniformly just and friendly disposition which has been evinced by His Danish Majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

Our relations with the Barbary Powers continue, as they have long been, of the most favorable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquil-

ity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

The Southern Republics, of our own hemisphere, have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant, when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown, with complete success, their long and arduous efforts in the cause of self-government; and enable us to salute them as friendly rivals, in all that is truly great and glorious.

The recent invasion of Mexico, and the effect thereby produced upon her domestic policy, must have a controlling influence upon the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, forever stifled in that republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of Independence is the master spirit; and if a corresponding sentiment prevails in the other States, this devotion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption, by Spain, of a pacific policy towards her former Colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

The claims of our citizens upon the South American Governments, generally, are in a train of settlement, while the principal part of those upon Brazil have been adjusted; and a Decree in Council, ordering bonds to be issued by the Minister of the Treasury for their amount, has received the sanction of His Imperial Majesty. This event, together with the exchange of the ratifications of the Treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that Power.

Measures have been taken to place our commercial relations with Peru upon a better footing than that upon which they have hitherto rested; and if met by a proper disposition on the part of that Government, important benefits may be secured to both countries.

Deeply interested as we are in the prosperity of our sister republics; and more particularly in that of our immediate neighbor, it would be most gratifying to me, were I permitted to say, that the treatment which we have received at her hands has been as universally friendly, as the early and constant solicitude manifested by the United States for her success, gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged by a portion of the inhabitants of Mexico against the Envoy Extraordinary and Minister Plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries; and have diminished that usefulness to his own which was justly to be expected from his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties; but particularly that of the Mexican Government to ratify a Treaty negotiated and concluded in its own capital and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as, in his judgment, the interest of his country might require; and instructions to that end were prepared; but, before they could be despatched, a communication was received from the Government of Mexico, through its Charge d'Affaires here, requesting the recall of our Minister. This was promptly complied with; and a representative of a rank corresponding with that of the Mexican diplomatic Agent near this Government was appointed. Our conduct towards that Republic has been uniformly of the most friendly character; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantagous change will occur in our affairs.

In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of a succesor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded; nor to a want of confidence in his talents or integrity; and to add, that the truth of that charge has

never been affirmed by the Federal Government of Mexico, in its communications with this.

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of President and Vice President. Our system of government was, by its framers, deemed an experiment; and they, therefore, consistently provided a mode of remedying its defects.

To the People belongs the right of electing their Chief Magistrate: it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the House of Representatives. Experience proves, that, in proportion as agents to execute the will of the People are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful: all are liable to err. So far, therefore, as the People can, with convenience, speak, it is safer for them to express their own will.

The number of aspirants to the Presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance: and, in that event, the election must devolve on the House of Representatives, where, it is obvious, the will of the People may not be always ascertained; or, if ascertained may not be regarded. From the mode of voting by States, the choice is to be made by twenty-four votes; and it may often occur, that one of these will be controlled by an individual representative. Honors and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward? But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which it may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another, from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates: finally, although all were inflexibly hon-

est—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect the President; and when this happens, it may reasonably be expected that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principles of our system—*that the majority is to govern*—it must be very certain that a President elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us then, endeavor so to amend our system, that the office of Chief Magistrate may not be conferred upon any citizen, but in pursuance of a fair expression of the will of the majority.

I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice President The mode may be so regulated as to preserve to each State its present relative weight in the election; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the Chief Magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved, would not be proper.

While members of Congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted, by their exclusion from all appointments in the gift of the President in whose election they may have been officially concerned. The nature of the judicial office, and the ne-

cessity of securing in the Cabinet and diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to the faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property; and Government, rather as a means of promoting individual interest, than as an instrument created solely for the service of the People. Corruption in some, and, in others, a perversion of correct feelings and principles, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the Government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

In a country where offices are created solely for the benefit of the People, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the People, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same

means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

No very considerable change has occurred, during the recess of Congress, in the condition of either our Agriculture, Commerce, or Manufactures. The operation of the Tariff has not proved so injurious to the two former, or as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished; while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of Government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not by common consent be abolished; and commerce allowed to flow in those channels to which individual enterprise—always its surest guide—might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce and our manufactures. Under these impressions, I invite your attention to the existing Tariff, believing that some of its provisions require modification.

The general rule to be applied in graduating the duties upon the articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in

regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

In deliberating, therefore, on these interesting subjects, local feelings and prejudices should merged in the patriotic determination to promote the great interests of the whole. All the attempts to connect them with the party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influences, can never be just; and will not long retain the sanction of the People, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance, which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendency, the North, the South, the East, and the West, should unite in diminishing any burthen, of which either may justly complain.

The agricultural interest of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of Government.

Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competion with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent: they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will

be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

The public prosperity is evinced in the increased revenue arising from the sales of the public lands; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

The balance in the Treasury on the 1st of January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-one cents. The receipts of the current year are estimated at twenty-four millions six hundred and two thousand two hundred and thirty dollars; and the expenditures for the same time at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars. Leaving a balance in the Treasury, on the first of January next, of four millions four hundred and ten thousand and seventy dollars and eighty-one cents.

There will have been paid, on account of the public debt, during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the Government, on the first of January next, to forty-eight millions fivehundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the Bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States.

This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry;

and auspicious of the ability of the Government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the States will also be increased; and may be more extensively exerted in favor of education and other public objects; while ample means will remain in the Federal Government to promote the general weal, in all the modes permitted to its authority.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the People of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefitted by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just and federal disposition which could be made of the

surplus revenue, would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in all cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If it fail here, all hope in regard to it will be extinguished. That this was intended to be a Government of limited and specific, and not general powers, must be admitted by all; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the Federal Convention found it—in the State Governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the Constitution under which we are now acting, to the watchful and auxiliary operation of the State authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of State sovereignty. Sustained by its healthful and invigorating influence, the Federal system can never fall.

In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and

twelve months, and warehouses provided by Government, sufficient to receive the goods offered in deposite for security and for debenture; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors more effectually secured—this evil would, in a great measure, be obviated. An authority to construct such houses, is, therefore, with the proposed alteration of the credits, recommended to your attention.

It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to Congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

On an examination of the records of the Treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of this sum thus due from individuals to the Government, a considerable portion is undoubtedly desperate; and in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behooves the Government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service.

It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the Treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavorably to the public interest.

It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the Executive Department, would be justified by the soundest principles of economy. I would recommend, therefore, that the duties now assigned to the Agent of the Treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the Attorney General; and that this officer be placed on the same footing in all respects, as the heads of the other Departments—receiving like compensation, and having such subordinate officers provided for his Department, as may be requisite for the discharge of these additional duties. The professional skill of the Attorney General, employed in directing the conduct of Marshals and District Attorneys, would hasten the collection of debts now in suit, and hereafter save much to the Government. It might be further extended to the superintendence of all criminal proceedings, for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the Treasury Department be not impaired: one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of Congress, authorizing the discharge of the persons of debtors to the Government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certain-

ly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the Government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, or becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigor and inhumanity of his country. All experience proves, that an oppressive debt is the bane of enterprise; and it should be the care of a Republic not to exert a grinding power over misfortune and poverty.

Since the last Session of Congress, numerous frauds on the Treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States' Court, for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th Congress, approved 3d March, 1823, providing for the punishment of frauds committed on the Government of the United States. Either from some defect in the law or in its administration, every effort to bring the accused to trial under its provisions proved ineffectual; and the Government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the Treasury. If, indeed, there is no provision by which those who may be unworthily entrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use, it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals, deserving to be punished under its provisions, have been rescued by legal subtilties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

In one of the most flagrant cases, the Court decided that the prosecution was barred by the statute which limits prosecutions for fraud to two years. In this case all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favor of any man while he retains all the evidences of his crime in his own possession; and, least of all, in favor of a public officer who continues to defraud the Treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give the injured party and the Government two years after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

In connexion with this subject, I invite the attention of Congress to a general and minute inquiry into the condition of the Government: with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

The report of the Secretary of War will make you acquainted with the condition of our Army, Fortifications, Arsenals and Indian Affairs. The proper discipline of the Army, the training and equipment of the Militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the Naval force, will tend to prolong the peace we now enjoy, and which every good citizen—more especially those who have felt the miseries of even a successful warfare—must ardently desire to perpetuate.

The returns from the subordinate branches of this service exhibit a regularity and order highly creditable to its character: both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline with that cheerfulness which becomes the profession of arms. There is need however, of further legislation, to obviate the inconveniences specified in the

report under consideration: to some of which it is proper that I should call your particular attention.

The act of Congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the Executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments of officers generally, should be more specific than they now are. Those, for example, in relation to the Paymaster and Surgeon General, assign to them an annual salary of two thousand five hundred dollars; but are silent as to allowances which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations: but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases: in which the construction put upon the laws by the public accountants may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

I recommend to your fostering care, as one of our safest means of national defence, the Military Academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

I would also suggest a review of the Pension law, for the purpose of extending its benefits to every Revolutionary soldier who aided in establishing our liberties and who is unable to maintain himself in comfort. These relicks of the War of Independence have strong claims upon

their country's gratitude and bounty. The law is defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves by manual labor. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the People, as well as by the considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Considering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four: of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount, there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the Department, exceed the estimate of its late Secretary, by about fifty thousand dollars, for which an appropriation is asked.

Your particular attention is requested to that part of the report of the Secretary of War which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the Executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been vested in United States' three per cent. stock.

The condition and ulterior destiny of the Indian Tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in

a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government, within the limits of Georgia and Alabama. These States, claiming to be the only Sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares, that "no new State shall be formed or erected within the jurisdiction of any other State," without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union, against her consent; much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the Confederacy which eventuated in our Federal Union, as a sovereign State, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the Union on the same footing with the original States, with boundaries which were prescribed by Congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New-York. Would the People of Maine permit the Penobscot tribe to erect an independent Government within their State? and unless they did, would it not be the duty of the General Government to support them in resisting such a meas-

ure? Would the People of New-York permit each remnant of the Six Nations within her borders, to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed; and that it has become a part of its duty to aid in destroying the States which it was established to protect.

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain; until some of the tribes have become extinct, and others have left but remnants, to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitu-

tional power. But the People of those States, and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the States, to preserve this much injured race?

As a means of effecting this end, I suggest, for your consideration, the propriety of setting apart an ample district West of the Mississippi, and without the limits of any State or Territory, now formed, to be guarantied to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government.

This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that, if they remain within the limits of the States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population.

The accompanying report of the Secretary of the Navy will make you acquainted with the condition and use-

ful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of Government. In this spirit, the measures which since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, however, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object, must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were, when committed to their proper element. On this subject there can be little doubt that our best policy would be to discontinue the building of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposites in the Navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned; and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards are indicated with so much force in the report of the Navy Board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The Yard in this District, being already furnished with most of the machinery necessary for ship-

building, will be competent to the supply of the two selected by the Board as the best for the concentration of materials; and, from the facility and certainty of communication between them, it will be useless to incur, at those depots, the expense of similar machinery, especially that used in preparing the usual metalic and wooden furniture of vessels.

Another improvement would be effected by dispensing altogether with the Navy Board, as now constituted, and substituting, in its stead, bureaus similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so when separately appropriated to distinct portions of the great interests of the Navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

I would also recommend that the Marine Corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its Lieutenant Colonel Commandant, five Brevet Lieutenant Colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the artillery or infantry—there being no peculiar training requisite for it.

With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the Navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the in-

terests of the country, will appear from the report of the Secretary, to which I refer you, for other interesting details. Among these I would bespeak the attention of Congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to Congress whether it ought not to be rectified.

The report of the Postmaster General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenue much improved. In a political point of view, this Department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the Government; and bringing back to it the wishes and feelings of the People. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

In this general survey of our affairs, a subject of high importance presents itself in the present organization of the Judiciary. An uniform operation of the Federal Government in the different States is certainly desirable; and, existing as they do in the Union, on the basis of perfect equality, each State has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the Union: to three others, the Circuit Courts, which constitute an important part of that system, have been imperfectly extended; and, to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the Supreme Court) to their fellow-citizens in other States, in the whole extent of the criminal, and much of the civil authority of the Federal Judiciary. That this state of things ought to be remedied, if it can be done consist-

ently with the public welfare, is not to be doubted: neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the Circuit Courts equally throughout the different parts of the Union, and, at the same time, to avoid such a multiplication of members as would encumber the Supreme Appellate Tribunal, is the object desired. Perhaps it might be accomplished by dividing the Circuit Judges into two classes, and providing that the Supreme Court should be held by those classes alternately—the Chief Justice always presiding.

If an extension of the Circuit Court system to those States which do not now enjoy its benefits should be determined upon, it would, of course, be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

A provision for taking the Census of the People of the United States will, to ensure the completion of that work within a convenient time, claim the early attention of Congress.

The great and constant increase of business in the Department of State forced itself, at an early period, upon the attention of the Executive. Thirteen years ago, it was, in Mr. Madison's last message to Congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a Home Department—a measure which does not appear to have met the views of Congress, on account of its supposed tendency to increase gradually, and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that Department, that its Secretary may devote more of his time to our foreign relations. Clear-

ly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the People. Both the constitutionality and the expediency of the law creating this Bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties; and, at the same time, secure all the advantages to the Government and country that were expected to result from the present Bank.

I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers and crew, arising from the re-capture of the frigate Philadelphia, under the heavy batteries of Tripoli. Although sensible as a general rule, of the impropriety of Executive interference under a Government like ours, where every individual enjoys the right of directly petitioning Congress; yet, viewing this case as one of very peculiar character, I deem it my duty to recommend it to your favorable consideration. Besides the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant Navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps

her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on his merciful providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

MAYSVILLE ROAD VETO.

MAY 27, 1830.

To the House of Representatives:

GENTLEMEN: I have maturely considered the bill proposing to authorize "a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company," and now return the same to the House of Representatives, in which it originated, with my objections to its passage.

Sincerely friendly to the improvement of our country by means of roads and canals, I regret that any difference of opinion in the mode of contributing to it should exist between us; and if, in stating this difference, I go beyond what the occasion may be deemed to call for, I hope to find an apology in the great importance of the subject, an unfeigned respect for the high source from which this branch of it has emanated, and an anxious wish to be correctly understood by my constituents in the discharge of all my duties. Diversity of sentiment among public functionaries, actuated by the same general motives, on the character and tendency of particular measures, is an incident common to all Governments, and the more to be expected in one which, like ours, owes its existence to the freedom of opinion, and must be upheld by the same influence. Controlled, as we thus are, by a higher tribunal, before which our respective acts will be canvassed with the indulgence due to the imperfections of our na-

ture, and with that intelligence and unbiassed judgment which are the true correctives of error, all that our responsibility demands is, that the public good should be the measure of our views, dictating alike their frank expression and honest maintenance.

In the message which was presented to Congress at the opening of its present session, I endeavored to exhibit briefly my views upon the important and highly interesting subject to which our attention is now to be directed. I was desirous of presenting to the Representatives of the several States in Congress assembled, the inquiry, whether some mode could not be devised, which would reconcile the diversity of opinion concerning the powers of this Government over the subject of internal improvement, and the manner in which these powers, if conferred by the Constitution, ought to be exercised. The act which I am called upon to consider has, therefore, been passed with a knowledge of my views on this question, as these are expressed in the message referred to. In that document, the following suggestions will be found:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several

States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has been deprecated as an infraction of the Constitution by many of our fellow citizens; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils." And adverting to the constitutional power of Congress to make what I consider a proper disposition of the surplus revenue, I subjoined the following remarks: "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation, and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it."

The constitutional power of the Federal Government to construct or promote works of internal improvement, presents itself in two points of view: the first, as bearing upon the sovereignty of the States within whose limits their execution is contemplated, if jurisdiction of the territory which they may occupy be claimed as necessary to their preservation and use; the second, as asserting the simple right to appropriate money from the National Treasury in aid of such works, when undertaken by State authority, surrendering the claim of jurisdiction. In the first view, the question of power is an open one, and can be decided without the embarrassments attending the other, arising from the practice of the Government. Although frequently and strenuously attempted, the power, to this extent, has never been exercised by the Government in a single instance. It does not, in my opinion, possess it; and no bill, therefore, which admits it, can receive my official sanction.

But, in the other view of the power, the question is differently situated. The ground taken at an early period of the Government was, "that, whenever money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities vested in Congress. If it be, the money requisite for it may

be applied to it; if not, no such application can be made." The document in which this principle was first advanced is of deservedly high authority, and should be held in grateful remembrance for its immediate agency in rescuing the country from much existing abuse, and, for its conservative effect upon some of the most valuable principles of the Constitution. The symmetry and purity of the Government would, doubtless, have been better preserved, if this restriction of the power of appropriation could have been maintained without weakening its ability to fulfil the general objects of its institution—an effect so likely to attend its admission, notwithstanding its apparent fitness, that every subsequent administration of the Government, embracing a period of thirty out of forty-two years of its existence, has adopted a more enlarged construction of the power. It is not my purpose to detain you by a minute recital of the acts which sustain this assertion, but it is proper that I should notice some of the most prominent, in order that the reflections which they suggest to my mind may be better understood.

In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption, and in their effects upon the public mind, have had a greater agency in marking the character of the power than any subsequent events. I allude to the payment of fifteen millions of dollars for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland Road; the latter act deriving much weight from the acquiescence and approbation of the three most powerful of the original members of the Confederacy, expressed through their respective Legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road, of the force of an obligatory exposition of the Constitution, it must, nevertheless, be admitted, that, so far as the mere appropriation of money is concerned, they present the principle in its most imposing aspect. No less than twenty-three different laws have been passed through all the forms of the Constitution, appropriating upwards of two millions and a half of

dollars out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement.

Independently of the sanction given to appropriations for the Cumberland and other roads and objects, under this power, the administration of Mr. Madison was characterised by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress, and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy, and less expensive, the means and provisions for the common defence." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States, in which they were made, he objected to its passage, on the ground of its unconstitutionality, declaring that the assent of the respective States, in the mode provided by the bill, could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress, are those specified and provided for in the Constitution; and superadding to these avowals his opinion, that "a restriction of the power 'to provide for the common defence and general welfare' to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his administration a bill was passed through both Houses of Congress, conferring the jurisdiction, and prescribing the mode by which the Fed-

eral Government should exercise it, in the case of the Cumberland road. He returned it, with objections to its passage, and, in assigning them, took occasion to say, that, in the early stages of the Government, he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them; but that, on further reflection and observation, his mind had undergone a change; that his opinion then was, "that Congress have an unlimited power to raise money, and that, in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defence, and of general, not local—national, not State benefit;" and this was avowed to be the governing principle through the residue of his administration. The views of the last administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognised and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back the operations of the Government to the construction of the Constitution set up in 1798, assuming that to be its true reading, in relation to the power under consideration: thus giving an admonitory proof of the force of implication, and the necessity of guarding the Constitution with sleepless vigilence against the authority of precedents which have not the sanction of its most plainly defined powers. For, although it is the duty of all to look to that sacred instrument, instead of the statute book; to repudiate, at all times, encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances; it is not less true, that the public good and the nature of our political institutions require that individual differences should yield to a well settled acquiescence of the people and confederated authorities, in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions, would impair

their stability, and defeat the objects of the Constitution itself.

The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress, to aid works of internal improvement: for, although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated, has, as we have seen, been long claimed and exercised by the Federal Government, yet such grants have always been professedly under the control of the general principle, that the works which might be thus aided should be "of a general, not local—national, not State" character. A disregard of this distinction would of necessity lead to the subversion of the Federal system. That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the conformation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demanded by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the Government; but I am not able to view it in any other light than as a measure of purely local character; or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted: for there can be no local interest that may not with equal propriety be denominated national. It has no connexion with any established system of improvements; is exclusively within the limits of a State, starting at a point on the Ohio river, and running out sixty miles to an interior town; and even as far as the State is interested, conferring partial instead of general advantages.

Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What

is properly *national* in its character, or otherwise, is an inquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory by the refusal of a succeeding Congress to continue the work, on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished. Notwithstanding the union of the Government with the corporation, by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain—is it national, and conducive to the benefit of the whole, or local, and operating only to the advantage of a portion of the Union?

But, although I might not feel it to be my official duty to interpose the Executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the States, and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient, at this time, for the General Government to embark in a system of this kind; and, anxious that my constituents should be possessed of my views on this, as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations, there are two prominent views of the subject which have made a deep impression upon my mind, which, I think, are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

From the official communication submitted to you, it appears, that, if no adverse and unforeseen contingency happens in our foreign relations, and no unusual diversion be made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration, must be obvious to all, and equally so, that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from

the Treasury Department, and those from the Clerks of the Senate and House of Representatives, herewith submitted, it appears the bills which have passed into laws, and those which, in all probability, will pass before the adjournment of Congress, anticipate appropriations which with the ordinary expenditures for the support of Government, will exceed considerably the amount in the Treasury for the year 1830. Thus, whilst we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the Treasury; and if to this calculation be added the amounts contained in bills which are pending before the two Houses, it may be safely affirmed that ten millions of dollars would not make up the excess over the Treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in these bills. Without a well regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt, or a resort to additional taxes.

Although many of the States, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the General Government in the construction of such as, from their nature, ought to devolve upon it, and to which the means of the individual States are inadequate, is both rational and patriotic; and, if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American People furnish a sure guarantee, that, at the proper time, this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But, great as this object undoubtedly is, it is not the only one which demands the fostering care of the Government. The preservation and success of the republican principle rest with us. To elevate its character, and extend its influence, rank among our most important duties; and the best means to accomplish this desirable end, are those

which will rivet the attachment of our citizens to the government of their choice, by the comparative lightness of their public burthens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens, through the medium of imposts, have, for a considerable period, been onerous. In many particulars, these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessaries of life, and this, too, in cases where the burthen was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity, by the encouragement of their growth and manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of Government, and the payment of the debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence, when it is known that the necessity for their continuance would cease, were it not for irregular, improvident, and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent system of expenditure as will pay the debts of the Union, and authorize the reduction of every tax to as low a point as the wise observance of the necessity to protect that portion of our manufactures and labor, whose prosperity is essential to our national safety and independence, will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well digested system of improvement.

Under this view, the question, as to the manner in which the Federal Government can or ought to embark in the

construction of roads and canals, and the extent to which it may impose burthens on the people for these purposes, may be presented on its own merits, free of all disguise, and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effected? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in the furtherance of works of internal improvement, my opinion is, that the soundest views of national policy, at this time, point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the Government will reap from it in the elevation of its character! How gratifying the effect of presenting to the world the sublime spectacle of a republic, of more than twelve millions of happy people, in the fifty fourth year of her existence—after having passed through two protracted wars, the one for the acquisition, and the other for the maintenance of liberty—free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find, in its effect, an additional guarantee that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these cannot be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement, and whose good effects must of necessity be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable of promoting. They may be resorted to as artful expedients to shift upon the Government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self aggrandizement, tend to sap the foundations of public virtue, and taint the administration of the Government with a demoralizing influence.

In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution, explaining and defining the precise powers of the Federal Government over it. Assuming the right to appropriate money to aid in the construction of national works, to be warranted by the cotemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works, and the acquisition of additional territory, that the practise obtained its first footing. In most, if not all other disputed questions of appropriation, the construction of the Constitution may be regarded as unsettled, if the right to apply money, in the enumerated cases, is placed on the ground of usage.

This subject has been one of much, and, I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of Government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blest with an abundance of it; for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted: none certainly are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter; if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to

the principles of the Union, such expectations will in the end be disappointed; or, if it be not so, then indeed has the world but little to hope from the example of free government. When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth, that man is unfit for self government, admitted. And this will be the case, if *expediency* be made a rule of construction in interpreting the Constitution. Power, in no government, could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power, and defining and restricting its exercise with reference to the sovereignty of the States, should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection of tolls to keep them in repair, cannot be dispensed with. The Cumberland road should be an instructive admonition of the consequences of acting without this right. Year after year, contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. Whilst one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme, which, from its extent, would promote the interests and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

If it be the desire of the people that the agency of the Federal Government should be confined to the appropri-

ation of money in aid of such undertakings, in virtue of State authorities, then the occasion, the manner, and the extent of the appropriations, should be made the subject of constitutional regulation. This is the more necessary, in order that they may be equitable among the several States; promote harmony between different sections of the Union and their Representatives; preserve other parts of the Constitution from being undermined by the exercise of doubtful powers, or the too great extension of those which are not so; and protect the whole subject against the deleterious influence of combinations to carry, by concert, measures which, considered by themselves, might meet but little countenance.

That a constitutional adjustment of this power, upon equitable principles, is, in the highest degree, desirable, can scarcely be doubted; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power, in cases of real doubt, more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the General Government to the advancement of the common weal, presents a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect, is, I firmly believe, in a great degree, unfounded. The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency; and it never will, when the subject calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

A supposed connexion between appropriations for internal improvement and the system of protecting duties, growing out of the anxieties of those more immediately

interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them. Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities, whose claims upon my friendship and gratitude are of the strongest character; but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets which they are capable of exciting.

As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There is no necessary connexion between it and the system of appropriations. On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account, it is at least entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuancc of the national debt, by means of large appropriations, as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support, if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.

In presenting these opinions, I have spoken with the freedom and candor which I thought the occasion for their expression called for; and now respectfully return the bill which has been under consideration, for your further deliberation and judgment.

SECOND ANNUAL MESSAGE.

DECEMBER 7, 1830.

Fellow Citizens of the Senate and House of Representatives:

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of all good has granted to us, during the present year, health, peace and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union, which, I most devoutly hope, is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations, which may, in their consequences, call for the utmost vigilance, wisdom and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending, in the slightest degree, that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising, in the most unlimited degree, the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence and energy, with which they are administered; from such a people, the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present King of the French, and which, if sustained to the end, will secure to him the proud appellation of Patriot King—it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs, have been fully realized in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if, at any time, Great Britain may desire the productions of this country, as necessary to her colonies, they must be received upon principles of just reciprocity; and further; that it is making an invidious and unfriendly distinction, to open her colonial ports to the vessels of other nations, and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into the colonial islands of Great Britain, by particular concessions, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage; this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions, all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794, she offered to concede to us for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burthen, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only; and moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, coffee, cocoa, or cotton, either from those islands, or from

the United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to arrange the terms of the trade, either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed, according to the varying legislation of the parties.

The following are the prominent points which have, in later years, separated the two Governments. Besides a restriction, whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been contended, 1st. That the subject should be regulated by treaty stipulation, in preference to separate legislation: 2d. That our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country, or of her other colonial possessions; and, 3d. That our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been, for a long time, strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part, each of the above points had, in succession, been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the State of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our com-

merce and navigation will enjoy, in the colonial ports of Great Britain, every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement, there can be no doubt. Independently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it, would have been insupportably onerous, had it not been, in a great degree, lightened by concerted evasions in the mode of making the transhipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives, not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only; and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been any thing in the acts of the two Governments which requires secrecy, it was thought most proper, in the then state of negotiation, to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as, I trust, the the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were, upon the reception and annunciation, by the President, of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrangement could be carried into effect on her part; pursuing, in this act of prospective legislation, a similar course to that adopted by Great Britain, in abolishing, by her act of Parliament, in 1825, a restriction then existing, and permitting our vessels to clear from the colonies, on their return voyages, for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies—a restriction which she required and expected that we should abolish. Upon each occasion, a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison to the restoration of a mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been, throughout, characterised by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability, is a duty which I shall deem it a privilege to discharge.

Although the result is, itself, the best commentary on the services rendered to his country by our Minister to the court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black Sea, and the previous footing of mere sufferance upon which the limited trade enjoyed by us with Turkey has hitherto been placed, have, for a long time, been a source of much solicitude to this Government; and several en-

deavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were, consequently, appointed, to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black Sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions, a free passage is secured, without limitation of time, to the vessels of the United States, to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that, by the construction put upon that treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship towards the United States, have been so long entertained on our part, and so carefully cherished by the present Emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of

the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our Minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege, which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg, and resume the discharge of his official duties. I have received the most satisfactory assurances that, in the mean time, the public interest in that quarter will be preserved from prejudice, by the intercourse which he will continue, through the Secretary of Legation, with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which $650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the Board of Commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment, that the terms are in conformity with the previously ascertained views of the claimants themselves; thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have

been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are, our claims upon France for spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic; and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our Minister with zeal and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have it in my power, yet, to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has yet been taken; and I do not allow myself to doubt that justice will soon be done us. The amount of the claims, the length of time they have remained unsatisfied, and

their incontrovertible justice, make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing Government, it is quite clear that such considerations cannot now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements; but a sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive developement of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils; and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government, by our Minister there, with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator, have all been taken in the same liberal and friendly spirit which characterised those before announced. Recent events have doubtless served to delay the decision, but our Minister at the court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspi-

cions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which, I am persuaded, are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this government was asked on the occasion, and was readily afforded, Instructions and advice have been given to the Governor of Arkansas and the officers in command in the adjoining Mexican State, by which, it is hoped, the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the representative of Austria; and, in the mean time, the rapidly increasing trade and navigation between the two countries have been placed upon the most liberal footing of our navigation acts.

Several alleged depredations have been recently committed on our commerce by the national vessels of Portugal. They have been made the subject of immediate remonstrance and reclamation. I am not yet possessed of sufficient information to express a definitive opinion of their character, but expect soon to receive it. No proper

means shall be omitted to obtain for our citizens all the redress to which they may appear to be entitled.

Almost at the moment of the adjournment of your last session, two bills, the one entitled "An act for making appropriations for building light-houses, light boats, beacons, and monuments, placing buoys, and for improving harbors and directing surveys," and the other, "An act to authorize a subscription for stock in the Louisville and Portland Canal Company," were submitted for my approval. It was not possible, within the time allowed me, before the close of the session, to give to these bills the consideration which was due to their character and importance; and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the Houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval.

The practise of defraying out of the Treasury of the United States, the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

As our foreign commerce increased, and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-Houses, beacons, buoys, public piers and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate, is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects

of this character that are neither necessary nor useful. The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more, of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am induced to believe that there has not only been great improvidence in the past expenditures of the Government upon these objects, but that the security of navigation has, in some instances, been diminished by the multiplication of light-houses, and consequent change of lights, upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in particular, it must not be forgotten that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable, that whatever gives facility and security to navigation, cheapens imports: and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise, they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime State. Local expenditures have not, of themselves, a corresponding operation.

From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I cannot approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations, I mean not to in-

clude a practice which has obtained to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

A different practise, if allowed to progress, would ultimately change the character of this Government, by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I cannot perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution, and beyond the supervision of our constituents: if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments: because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be

impossible to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature, deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a Government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the same time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, &c. contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river and render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improve-

ments on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a State, or to appropriate money for improvements of a local character. I, at the same time, intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid, and that, in the mean while, some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me; and were, I readily admit, intended to awake the attention, and draw forth the opinions and observations, of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgement, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but, making full allowances on that account, I cannot, I think, deceive myself in believing that the acts referred

to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same; for the time is yet, I hope, far distant, when those entrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors; and by the persuasion, too, that, whatever liberal institutions may have to fear from the encroachments of Executive power, which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that

bring in their train influence and patronage of great extent; and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection, that, if I have mistaken the interests and wishes of the people, the Constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule, for the operations of the Government in this matter, than any which has hitherto been acted upon.

Profoundly impressed with the importance of the subject, not merely as relates to the general prosperity of the country, but to the safety of the federal system; I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to covert an opposite state of things into means for the gratification of personal ambition—will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle, which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general grounds of my objection to local appropriations have been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged —the importance of sustaining the State sovereignties, as far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects

as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system; and to which we must alone look for its future stability.

That there are diversities in the interests of the different States which compose this extensive confederacy, must be admitted. Those diversities, arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are entrusted with the management of its affairs to neutralize their effects as far as practicable, by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the past acts of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upwards of five millions of dollars, and have been distributed in very unequal proportions amongst the States. The estimated expense of works, of which surveys have been made, together with that of others projected and partially surveyed, amount to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds amongst the several States, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of this character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under

such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d,

that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence, on the part of the State Governments, upon the federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution, proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgement of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that "it is not propable that any adjustment of the tariff upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time

hereafter, decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in the intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burthens; and as sensible of the great truth, that the resources of the nation, beyond those required for immediate and necessary purposes of Government, can no where be so well deposited as in the pockets of the people.

It may sometimes happen that the interests of particular States would not be deemed to coincide with the general interest in relation to improvements within such States. But, if the danger to be apprehended from this source is sufficient to require it, a discretion might be reserved to Congress to direct, to such improvements of a general character as the States concerned might not be disposed to unite in, the application of the quotas of those States, under the restriction of confining to each State the expenditure of its appropriate quota. It may, however, be assumed as a safe, general rule, that such improvements as serve to increase the prosperity of the respective States in which they are made, by giving new facilities to trade, and thereby augmenting the wealth and comfort of their inhabitants, constitute the surest mode of conferring permanent and substantial advantages upon the whole. The strength, as well as the true glory, of the confederacy is founded on the prosperity and power of the several independant sovereignties of which it is composed, and the certainty with which they can be brought into successful, active co-operation, through the agency of the Federal Government.

It is, moreover, within the knowledge of such as are at all conversant with public affairs, that schemes of internal improvement have, from time to time, been proposed, which, from their extent and seeming magnificence, were readily regarded as of national concernment; but which, upon fuller consideration and further experience, would now be rejected with great unanimity.

That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied and economically expended under the direction of the State Legislatures, in which every part of each State is immediately represented, cannot, I think, be doubted. In the new States particularly, where a comparatively small population is scattered over an extensive surface, and the representation in Congress consequently very limited, it is natural to expect that the appropriations made by the Federal Government would be more likely to be expended in the vicinity of those members through whose immediate agency they were obtained, than if the funds were placed under the control of the Legislature, in which every county of the State has its own representative. This supposition does not necessarily impugn the motives of such congressional representatives, nor is it so intended. We are all sensible of the bias to which the strongest minds and purest hearts are, under such circumstances, liable. In respect to the last objection, its probable effect upon the dignity and independence of State Governments, it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes.

In the one case, the State would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and form a fund to the creation of which it had itself contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar

of the Federal Legislature, for such allowances out of the national treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Governments.

But all these are matters for discussion and dispassionate consideration. That the desired adjustment would be attended with difficulty, affords no reason why it should not be attempted. The effective operation of such motives would have prevented the adoption of the Constitution under which we have so long lived, and under the benign influence of which our beloved country has so signally prospered. The framers of that sacred instrument had greater difficulties to overcome; and they did overcome them. The patriotism of the people, directed by a deep conviction of the importance of the Union, produced mutual concession and reciprocal forbearance. Strict right was merged in a spirit of compromise, and the result has consecrated their disinterested devotion to the general weal. Unless the American people have degenerated, the same result can be again effected, whenever experience points out the necessity of a resort to the same means to uphold the fabric which their fathers have reared. It is beyond the power of man to make a system of government like ours, or any other, operate with precise equality upon States situated like those which compose this confederacy; nor is inequality always injustice. Every State cannot expect to shape the measures of the General Government to suit its own particular interests. The causes which prevent it are seated in the nature of things, and cannot be entirely counteracted by human means. Mutual forbearance becomes, therefore, a duty obligatory upon all; and we may, I am confident count upon a cheerful compliance with this high injunction, on the part of our constituents. It is not to be supposed, that they will object to make such comparatively inconsiderable sacrifices for the preservation of rights and privileges, which other less favored portions of the world have in vain waded through seas of blood to acquire.

Our course is a safe one, if it be but faithfully adher-

ed to. Acquiescence in the constitutionally expressed will of the majority, and the exercise of that will in a spirit of moderation, justice, and brotherly kindness, will constitute a cement which would forever preserve our Union. Those who cherish and inculcate sentiment like these render a most essential service to their country; while those who seek to weaken their influence, are, however conscientious and praiseworthy their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to foment sectional prejudices, to be made subservient to party warfare, were, in good faith, applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will in the end, lead the public mind in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is, perhaps, the worst that could exist; and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so it is to be hoped that those who disapprove the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the Federal Government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modelled and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I cannot omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice President. The necessity for its amendment is made so clear to my mind by observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting to my duty were I to withhold another expression of my deep solicitude on the subject. Our system fortunately contemplates a recurrence to first principles, differing, in this respect, from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other Governments. Our fellow-citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes; yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny; and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high the duty of fortifying the points in it which time proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me, at the same time, the most

likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, is unjust to the people; and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives, is, to devolve the election upon that body in almost every instance; and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union, than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the Legislative and Executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from all temptations of private interest, and, therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason, that, in connexion with an amendment of the Constitution, removing all intermediate agency in the choice of the President, I reccommend some restrictions upon the re-eligibility of that officer, and upon the tenure of offices generally. The reason still exists; and I renew the reccommendation, with an increased con-

fidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that this appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit; I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress; and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its reccommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel the future invasion without remote aid. It will relieve the

whole state of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with the settlements of the whites; free them from the power of the States; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay, which is lessening their numbers; and perhaps cause them gradually, under the protection of the Government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Towards the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits, and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers, they are not responsible to this Government. As individuals, we may entertain and express our opinions of their acts; but, as a Government, we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests to submitting to the laws of the States in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by

great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniencies and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country; and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and, one by one, have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excite melancholly reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there any thing in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessing of liberty, civilization, and religion!

The present policy of the Government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern States, were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west by a fair ex-

change, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands, yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new homes, from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the General Government towards the red man is not only liberal but generous. He is unwilling to submit to the laws of the States, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new States, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions, and become separate States, did Congress include within their limits extensive tracts of Indian lands, and in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be co-extensive with their limits, and that, with all convenient despatch, the General Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the State Governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the General Government in relation to the States and the Indians within their limits, are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess, by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and, by a speedy removal, to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Munroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uni-

form practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole: others fear to touch the objectionable parts, lest those they approve should be jeoparded. I am persuaded that the advocates of these conflicting views do injustice to the American people, and to their Representatives. The general interest is the interest of each: and my confidence is entire, that, to ensure the adoption of such modifications of the tariff as the general interest requires, it is only neccessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess, and effects they cannot produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is, that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the

whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected: of these, the productions of our soil, our mines and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high; it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived, in some of these respects, from the measures of your last session.

The best, as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations—such as desire to sustain a general system, or to purchase support for a different interest—it should enlist in its favor a majority of the Representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them, when that protection forms part of a system by which portions of the country feel, or conceive themselves to be, oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of

majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that, while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive administrations, is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partisan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, in taking leave of the subject, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the treasury during the present year will amount to twenty four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed by about three hundred thousand dollars the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period will have been eleven millions three hundred and fifty-four thousand six hundred and thirty dollars; leaving a ballance in the treasury, on the first of January, eighteen hundred and thirty-one, of four millions eight hundred and nineteen thousand seven hundred and eighty-one dollars.

In connexion with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public dues. The revenue cutter service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points; and regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to the merchant service has been revised; and, being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office, and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the War Department. Some of them were referred to in my former message; and they are presented in detail in the report of the Secretary of War, herewith submitted. I refer you, also, to the report of that officer for a knowledge of the state of the army, fortifications, arsenals, and Indian affairs; all of which, it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier, which are now, or shortly will be, completed, should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution

seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harrassing inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in depot for future use, than to increasing their number. With the aid of Congress, in a few years, the Government will be prepared, in case of emergency, to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service, suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster General, in like manner, exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been pro-

vided for the southern section of the country, and, at the same time, an annual saving made of upwards of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given, that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its designs. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers, and the ability and energy of contractors, justify an increased confidence in its continued prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification in the office of Attorney General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of solicitor of the Treasury; and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer, and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supercede the necessity of extending the duties and powers of the Attorney General's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing him, at the same time, such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney General are of frequent occurrence; and the prompt decision of the questions so

referred tends much to facilitate the despatch of business in those Departments. The report of the Secretary of the Treasury, hereto appended, shows also a branch of the public service not specifically entrusted to any officer, which might be advantageously committed to the Attorney General.

But, independently of those considerations, this office is now one of daily duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the Seat of Government, in professional attendance upon the courts, injurious to the public service; and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney General, in regard to compensation, on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed, by the Constitution, under the exclusive jurisdiction and control of Congress, this district is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniencies which result from the operation of different codes in so small a territory. On different sides of the Potomac, the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding

their repugnance, in some cases, to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a Delegate to represent the wants of the citizens of this District on the floor of Congress, is not due to them, and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress, with the same privileges that are allowed to the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recal your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, becomes us to inquire, whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposites, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body,

having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests, of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks, by taking their notes in deposite, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke, in behalf of your deliberations, that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

THIRD ANNUAL MESSAGE.

DECEMBER 6, 1831.

Fellow Citizens of the Senate and House of Representatives:

The representation of the people has been renewed for the twenty-second time since the constitution they formed has been in force. For near half a century, the chief magistrates, who have been successively chosen, have made their annual communications of the state of the nation to its representatives. Generally, these communications have been of the most gratifying nature, testifying an advance in all the improvements of social, and all the securities of political life. But frequently, and justly, as you have been called on to be grateful for the bounties of Providence, at few periods have they been more abundantly or extensively bestowed than at the present: rarely, if ever, have we had greater reason to congratulate each other on the continued and increasing prosperity of our beloved country.

Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country. Manufactures have been established, in which the funds of the capitalist find a profitable investment, and which give employment and subsistence to a numerous and increasing body of industrious and dexterous

mechanics. The laborer is rewarded by high wages, in the construction of works of internal improvement, which are extending with unprecedented rapidity. Science is steadily penetrating the recesses of nature, and disclosing her secrets, while the ingenuity of free minds is subjecting the elements to the power of man, and making each new conquest auxiliary to his comfort. By our mails, whose speed is regularly increased, and whose routes are every year extended, the communication of public intelligence and private business is rendered frequent and safe; the intercourse between distant cities, which it formerly required weeks to accomplish, is now effected in a few days; and in the construction of rail roads, and the application of steam power, we have a reasonable prospect that the extreme parts of our country will be so much approximated, and those most isolated by the obstacles of nature rendered so accessible, as to remove an apprehension some times entertained, that the great extent of the Union would endanger its permanent existence.

If from the satisfactory view of our agriculture, manufactures, and internal improvements, we turn to the state of our navigation and trade with foreign nations and between the States, we shall scarcely find less cause for gratulation. A beneficent Providence has provided for their exercise and encouragement an extensive coast indented by capacious bays, noble rivers, inland seas; with a country productive of every material for ship-building, and every commodity for gainful commerce, and filled with a population, active, intelligent, well informed, and fearless of danger. These advantages are not neglected; and an impulse has lately been given to commercial enterprise, which fills our ship yards with new constructions, encourages all the arts and branches of industry connected with them, crowds the wharves of our cities with vessels, and covers the most distant seas with our canvass.

Let us be grateful for these blessings to the benificent Being who has conferred them, and who suffers us to indulge a reasonable hope of their continuance and extension, while we neglect not the means by which they may be preserved. If we may dare to judge of His future designs by the manner in which his past favors have been

bestowed, he has made our national prosperity to depend on the preservation of our liberties—our national force on our federal union—and our individual happiness on the maintenance of our State rights and wise institutions. If we are prosperous at home, and respected abroad, it is because we are free, united, industrious, and obedient to the laws. While we continue so, we shall, by the blessing of Heaven, go on in the happy career we have begun, and which has brought us, in the short period of our political existence, from a population of three to thirteen millions—from thirteen separate Colonies to twenty-four United States—from weakness to strength—from a rank scarcely marked in the scale of Nations to a high place in their respect.

This last advantage is one that has resulted, in a great degree, from the principles which have guided our intercourse with foreign Powers, since we have assumed an equal station among them: and hence, the annual account which the Executive renders to the country, of the manner in which that branch of his duties has been fulfilled, proves instructive and salutary.

The pacific and wise policy of our Government kept us in a State of neutrality during the wars that have, at different periods since our political existence, been carried on by other powers: but this policy, while it gave activity and extent to our commerce, exposed it in the same proportion to injuries from belligerent nations. Hence have arisen claims of indemnity for those injuries. England, France, Spain, Holland, Sweden, Denmark, Naples, and lately Portugal, had all in a greater or less degree infringed our neutral rights. Demands for reparation were made upon all. They have had in all, and continue to have in some cases, a leading influence on the nature of our relations with the powers on whom they were made.

Of the claims upon England it is unnecessary to speak, further than to say, that the state of things to which their prosecution and denial gave rise has been succeeded by arrangements, productive of mutual good feeling and amicable relations between the two countries, which it is hoped will not be interrupted. One of these arrangements is that relating to the colonial trade, which was communica-

ted to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgement of its operation; there is every reason to believe that it will prove highly beneficial. The trade thereby authorized has employed, to the 30th September last, upwards of 30,000 tons of American, and 15,000 tons of foreign shipping in the outward voyages; and, in the inward, nearly an equal amount of American, and 20,000, only, of foreign tonnage. Advantages, too, have resulted to our agricultural interests from the state of the trade between Canada and our Territories and States bordering on the St. Lawrence and the Lakes, which may prove more than equivalent to the loss sustained by the discrimination made to favor the trade of the Northern colonies with the West Indies

After our transition from the state of colonies to that of an independent nation, many points were found necessary to be settled between us and Great Britain. Among them was the demarcation of boundaries, not described with sufficient precision in the treaty of peace. Some of the lines that divide the States and Territories of the United States from the British provinces have been definitely fixed. That, however, which separates us from the provinces of Canada and New Brunswick to the north and east, was still in dispute when I came into office. But I found arrangements made for its settlement, over which I had no control. The commissioners who had been appointed under the provisions of the treaty of Ghent having been unable to agree, a convention was made with Great Britain by my immediate predecessor in office, with the advice and consent of the Senate, by which it was agreed "that the points of difference which have arisen in the settlement of the boundary line between the American and British dominions, as described in the 5th article of the Treaty of Ghent, shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate, and make a decision upon such points of difference:" and the King of the Netherlands having, by the late President and His Britannic Majesty, been designated as such friendly sov-

ereign, it became my duty to carry, with good faith, the agreement so made into full effect. To this end I caused all the measures to be taken which were necessary to a full exposition of our case, to the sovereign arbiter; and nominated as Minister Plenipotentiary to his court, a distinguished citizen of the State most interested in the question, and who had been one of the agents previously employed for settling the controversy. On the 10th day of January last, his Majesty the King of Netherlands, delivered to the Plenipotentiaries of the United States and of Great Britain, his written opinion on the case referred to him. The papers in relation to the subject will be communicated by a special message, to the proper branch of the Government, with the perfect confidence that its wisdom will adopt such measures as will secure an amicable settlement of the controversy, without infringing any constitutional right of the States immediately interested.

It affords me satisfaction to inform you that suggestions, made by my direction, to the Charge d'Affaires of His Britannic Majesty, to this Government, have had their desired effect in producing the release of certain American citizens, who were imprisoned for setting up the authority of the State of Maine, at a place in the disputed Territory under the actual jurisdiction of his Britannic Majesty. From this, and the assurances I have received of the desire of the local authorities to avoid any cause of collision, I have the best hopes that a good understanding will be kept up until it is confirmed by the final disposition of the subject.

The amicable relations which now subsist between the United States and Great Britain, the increasing intercourse between their citizens, and the rapid obliteration of unfriendly prejudices to which former events very naturally gave rise—concurred to present this as a fit period for renewing our endeavors to provide against the recurrence of causes of irritation, which, in the event of War between Great Britain and any other power, would inevitably endanger our peace. Animated by the sincerest desire to avoid such a state of things, and peacefully to secure, under all possible circumstances, the rights and honor of the country, I have given such instructions to

the Minister lately sent to the Court of London, as will evince that desire; and if met by a correspondent disposition, which we cannot doubt, will put an end to causes of collision, which, without advantage to either, tend to estrange from each other, two nations who have every motive to preserve, not only peace, but an intercourse of the most amicable nature.

In my message at the opening of the last session of Congress, I expressed a confident hope that the justice of our claims upon France, urged as they were with perseverence and signal ability by our minister there, would finally be acknowledged. This hope has been realized. A treaty has been signed which will immediately be laid before the Senate for its approbation; and which, containing stipulations that require legislative acts, must have the concurrence of both Houses before it can be carried into effect. By it, the French Government engage to pay a sum which, if not quite equal to that which may be found due to our citizens, will yet, it is believed, under all circumstances, be deemed satisfactory by those interested. The offer of a gross sum instead of the satisfaction of each individual claim, was accepted, because the only alternatives were a rigorous exaction of the whole amount stated to be due on each claim, which might, in some instances, be exaggerated by design, in others overrated through error, and which therefore it would have been both ungracious and unjust to have insisted on; or a settlement by a mixed commission, to which the French negotiators were very averse, and which experience in other cases had shewn to be dilatory, and often wholly inadequate to the end. A comparatively small sum is stipulated on our part, to go to the extinction of all claims by French citizens on our Government: and a reduction of duties on our cotton and their wines has been agreed on, as a consideration for the renunciation of an important claim for commercial privileges, under the construction they gave to the treaty for the cession of Louisiana.

Should this treaty receive the proper sanction, a source of irritation will be stopped, that has for so many years, in some degree alienated from each other, two nations,

who from interest, as well as the remembrance of early associations, ought to cherish the most friendly relations: an encouragement will be given for perseverance in the demands of justice, by this new proof, that if steadily pursued, they will be listened to: and admonition will be offered to those Powers, if any, which may be inclined to evade them, that they will never be abandoned. Above all, a just confidence will be inspired in our fellow citizens, that their Government will exert all the powers with which they have invested it, in support of their just claims upon foreign nations; at the same time that the frank acknowledgement and provision for the payment of those which were addressed to our equity, although unsupported by legal proof, affords a practical illustration of our submission to the Divine rule of doing to others what we desire they should do unto us.

Sweden and Denmark having made compensation for the irregularities committed by their vessels, or in their ports, to the perfect satisfaction of the parties concerned; and having renewed the treaties of commerce entered into with them, our political and commercial relations with those Powers continue to be on the most friendly footing.

With Spain our differences, up to the 22d of February, 1819, were settled by the treaty of Washington of that date; but, at a subsequent period our commerce with the States, formerly colonies of Spain on the continent of America, was annoyed and frequently interrupted by her public and private armed ships; they captured many of our vessels prosecuting a lawful commerce, and sold them and their cargoes; and, at one time, to our demands for restoration and indemnity, opposed the allegation, that they were taken in the violation of a blockade of all the ports of those States. This blockade was declaratory only, and the inadequacy of the force to maintain it was so manifest, that this allegation was varied to a charge of trade in contraband of war. This, in its turn, was also found untenable, and the Minister, whom I sent with instructions to press for the reparation that was due to our injured fellow citizens, has transmitted an answer to his demand, by which the captures are declared to have been

legal, and are justified, because the independence of the States of America never having been acknowleged by Spain, she had a right to prohibit trade with them under her old colonial laws. This ground of defence was contradictory, not only to those which had been formerly alledged, but to the uniform practice and established laws of nations, and had been abandoned by Spain herself in the convention which granted indemnity to British subjects for captures made at the same time, under the same circumstances, and for the same allegations with those of which we complain.

I however indulge a hope that further reflection will lead to other views, and feel confident that when His Catholic Majesty shall be convinced of the justice of the claims, his desire to preserve friendly relations between the two countries, which it is my earnest endeavor to maintain, will induce him to accede to our demand. I have therefore despatched a special messenger with instructions to our Minister to bring the case once more to his consideration; to the end that if, which I cannot bring myself to believe, the same decision, that cannot but be deemed an unfriendly denial of justice, should be persisted in, the matter may, before your adjournment, be laid before you, the constitutional judges of what is proper to be done when negotiations for redress or injury fails.

The conclusion of a treaty for indemnity with France, seemed to present a favorable opportunity to renew our claims of a similar nature on other powers; and particularly in the case of those upon Naples, more especially as in the course of former negotiations with that power, our failure to induce France to render us justice, was used as an argument against us. The desires of the merchants, who were the principal sufferers, have, therefore, been acceded to, and a mission has been instituted for the special purpose of obtaining for them a reparation already too long delayed. This measure having been resolved on, it was put in execution without waiting for the meeting of Congress, because the state of Europe created an apprehension of events that might have rendered our application ineffectual.

Our demands upon the Government of the Two Sicilies

are of a peculiar nature. The injuries on which they are founded, are not denied, nor are the atrocity and perfidy under which those injuries were perpetrated, attempted to be extenuated. The sole ground on which the indemnity has been refused, is the alledged illegality of the tenure by which the monarch who made the seizures, held his crown. This defence, always unfounded in any principle of the law of nations—now universally abandoned—even by those powers upon whom the responsibility for acts of past rulers bore the most heavily, will unquestionably be given up by His Sicilian Majesty, whose counsels will receive an impulse from that high sense of honor and regard to justice, which are said to characterize him; and, I feel the fullest confidence that the talents of the citizen commissioned for that purpose, will place before him the just claims of our injured citizens in such a light as will enable me, before your adjournment, to announce that they have been adjusted and secured. Precise instructions, to the effect of bringing the negotiation to a speedy issue, have been given, and will be obeyed.

In the late blockade of Terceira, some of the Portuguese fleet captured several of our vessels and committed other excesses, for which reparation was demanded, and I was on the point of despatching an armed force to prevent any recurrence of a similar violence and protect our citizens in the prosecution of their lawful commerce, when official assurances, on which I relied, made the sailing of the ships unnecessary. Since that period frequent promises have been made that full indemnity shall be given for the injuries inflicted and the losses sustained. In the performance there has been some, perhaps unavoidable, delay; but I have the fullest confidence that my earnest desire that this business may at once be closed, which our Minister has been instructed strongly to express, will very soon be gratified. I have the better ground for this hope, from the evidence of a friendly disposition which that Government has shown by an actual reduction in the duty on rice, the produce of our Southern States, authorizing the anticipation that this important article of our export will soon be admitted on the same footing with that produced by the most favored nation.

With the other powers of Europe, we have fortunately had no cause of discussion for the redress of injuries. With the Empire of the Russias, our political connexion is of the most friendly, and our commercial of the most liberal kind. We enjoy the advantages of navigation and trade, given to the most favored nation; but it has not yet suited their policy, or perhaps has not been found convenient from other considerations, to give stability and reciprocity to those privileges by a commercial treaty. The ill health of our Minister last year, charged with making a proposition for that arrangement, did not permit him to remain at St. Petersburgh; and the attention of that Government, during the whole of the period since his departure, having been occupied by the war in which it was engaged, we have been assured that nothing could have been effected by his presence. A Minister will soon be nominated, as well to effect this important object, as to keep up the relations of amity and good understanding of which we have received so many assurances and proofs from his Imperial Majesty, and the Emperor, his predecessor.

The treaty with Austria is opening to us an important trade with the hereditary dominions of the Emperor, the value of which has been hitherto little known, and, of course, not sufficiently appreciated. While our commerce finds an entrance into the South of Germany by means of this treaty, those we have formed with the Hanseatic Towns and Prussia, and others now in negotiation, will open that vast country to the enterprizing spirit of our merchants, on the north: a country abounding in all the materials for a mutually beneficial commerce, filled with enlightened and industrious inhabitants, holding an important place in the politics of Europe, and to which we owe so many valuable citizens. The ratification of the treaty with the Porte was sent to be exchanged by the gentleman appointed our Charge d'Affaires to that Court. Some difficulties occurred on his arrival; but at the date of his last official despatch, he supposed they had been obviated, and that there was every prospect of the exchange being speedily effected.

This finishes the connected view I have thought it prop-

er to give of our political and commercial relations in Europe. Every effort in my power will be continued to strengthen and extend them by treaties founded on principles of the most perfect reciprocity of interest, neither asking nor conceding any exclusive advantage, but liberating, as far as it lies in my power, the activity and industry of our fellow citizens from the shackles which foreign restrictions may impose.

To China and the East Indies our commerce continues in its usual extent and with increased facilities, which the credit and capital of our merchants afford, by substituting bills for payment of specie. A daring outrage having been committed in those seas by the plunder of one of our merchantmen engaged in the pepper trade at a port in Sumatra, and the piratical perpetrators belonging to tribes in such a state of society, that the usual course of proceedings between civilized nations could not be pursued, I forthwith despatched a frigate with orders to require immediate satisfaction for the injury, and indemnity to the sufferers.

Few changes have taken place in our connexions with the independent States of America since my last communication to Congress. The ratification of a commercial treaty with the United Republics of Mexico, has been for some time under deliberation in their Congress, but was still undecided at the date of our last despatches. The unhappy civil commotions that have prevailed there, were undoubtedly the cause of the delay; but as the Government is now said to be tranquilized, we may hope soon to receive the ratification of the treaty, and an arrangement for the demarcation of the boundaries between us. In the mean time an important trade has been opened, with mutual benefit, from St. Louis, in the State of Missouri, by caravans, to the interior provinces of Mexico. This commerce is protected in its progress through the Indian countries by the troops of the United States, which have been permitted to escort the caravans beyond our boundaries to the settled part of the Mexican territory.

From Central America, I have received assurances of the most friendly kind, and a gratifying application for our

good offices to remove a supposed indisposition towards that Government in a neighboring State: this application was immediately and successfully complied with. They gave us also the pleasing intelligence that differences which had prevailed in their internal affairs, had been peaceably adjusted. Our treaty with this Republic continues to be faithfully observed, and promises a great and beneficial commerce between the two countries: a commerce of the greatest importance, if the magnificent project of a ship canal through the dominions of that State, from the Atlantic to the Pacific Ocean, now in serious contemplation, shall be executed.

I have great satisfaction in communicating the success which has attended the exertions of our Minister in Colombia, to procure a very considerable reduction in the duties on our flour in that Republic. Indemnity also, has been stipulated for injuries received by our merchants from illegal seizures; and renewed assurances are given that the treaty between the two countries shall be faithfully observed.

Chili and Peru seem to be still threatened with civil commotions; and until they shall be settled disorders may naturally be apprehended, requiring the constant presence of a Naval force in the Pacific Ocean, to protect our fisheries and guard our commerce.

The disturbances that took place in the Empire of Brazil, previously to, and immediately consequent upon, the abdication of the late Emperor, necessarily suspended any effectual application for the redress of some past injuries suffered by our citizens from that Government, while they have been the cause of others, in which all foreigners seem to have participated. Instructions have been given to our Minister there, to press for indemnity due for losses occasioned by these irregularities: and to take care that our fellow citizens shall enjoy all the privileges stipulated in their favor, by the treaty lately made between the two Powers, all which, the good intelligence that prevails between our Minister at Rio Janeiro and the Regency, gives us the best reason to expect.

I should have placed Buenos Ayres in the list of South America powers in respect to which nothing of import-

ance affecting us was to be communicated; but for occurrences which have lately taken place at the Falkland Islands, in which the name of that republic has been used to cover with a show of authority, acts injurious to our commerce, and to the property and liberty of our fellow citizens. In the course of the present year, one of our vessels engaged in the pursuit of a trade which we have always enjoyed without molestation, has been captured by a band acting, as they pretend, under the authority of the Government of Buenos Ayres. I have therefore given orders for the despatch of an armed vessel to join our squadron in those seas, and aid in affording all lawful protection to our trade which shall be necessary; and shall without delay send a Minister to inquire into the nature of the circumstances, and also of the claim, if any, that is set up by that Government, to those Islands. In the mean time, I submit the case to the consideration of Congress to the end that they may clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in those seas.

This rapid sketch of our foreign relations it is hoped, fellow citizens, may be of some use in so much of your legislation as may bear on that important subject; while it affords to the country at large a source of high gratification in the contemplation of our political and commercial connexion with the rest of the world. At peace with all—having subjects of future difference with few, and those susceptible of easy adjustment—extending our commerce gradually on all sides, and on none by any but the most liberal and mutually beneficial means, we may by the blessing of Providence, hope for all that national prosperity which can be derived from an intercourse with foreign nations, guided by those eternal principles of justice and reciprocal good will, which are binding as well upon States, as the individuals of whom they are composed.

I have great satisfaction in making this statement of our affairs, because the course of our national policy enables me to do it without any indiscreet exposure of what in

other governments is usually concealed from the people. Having none but a straight forward open course to pursue—guided by a single principle that will bear the strongest light—we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult; and in subjecting all we have done to the consideration of our citizens, and to the inspection of the world, we give no advantage to other nations, and lay ourselves open to no injury.

It may not be improper to add, that to preserve this state of things and give confidence to the world in the the integrity of our designs, all our consular and diplomatic agents are strictly enjoined to examine well every cause of complaint preferred by our citizens; and, while they urge with proper earnestness those that are well founded, to countenance none that are unreasonable or unjust, and to enjoin on our merchants and navigators the strictest obedience to the laws of the countries to which they resort, and a course of conduct in their dealings that may support the character of our nation, and render us respected abroad.

Connected with this subject, I must recommend a revisal of our consular laws. Defects and omissions have been discovered in their operation that ought to be remedied and supplied. For your further information on this subject I have directed a report to be made by the Secretary of State, which I shall hereafter submit to your consideration.

The internal peace and security of our confederated States is the next principal object of the General Government. Time and experience have proved that the abode of the native Indian within their limits is dangerous to their peace, and injurious to himself. In accordance with my recommendation at a former session of Congress, an appropriation of half a million of dollars was made to aid the voluntary removal of the various tribes beyond the limits of the States. At the last session, I had the happiness to announce that the Chickasaws and Choctaws had accepted the generous offer of the Government, and agreed to remove beyond the Mississippi river, by which the whole of the State of Mississippi and the western part

of Alabama, will be freed from Indian occupancy, and opened to a civilized population. The treaties with these tribes are in a course of execution, and their removal, it is hoped, will be completed in the course of 1832.

At the request of the authorities of Georgia, the registration of Cherokee Indians for emigration has been resumed, and it is confidently expected that one half, if not two thirds of that tribe, will follow the wise example of their more westerly brethren. Those who prefer remaining at their present homes, will hereafter be governed by the laws of Georgia, as all her citizens are, and cease to be the objects of peculiar care on the part of the General Government.

During the present year the attention of the Government has been particularly directed to those tribes in the powerful and growing State of Ohio, where considerable tracts of the finest lands were still occupied by the aboriginal proprietors. Treaties, either absolute or conditional, have been made, extinguishing the whole Indian title to the reservations in that State; and the time is not distant, it is hoped, when Ohio will be no longer embarrassed with the Indian population. The same measures will be extended to Indiana, as soon as there is reason to anticipate success. It is confidently believed that perseverence for a few years in the present policy of the Government, will extinguish the Indian title to all lands lying within the States composing our Federal Union, and remove beyond their limits every Indian who is not willing to submit to their laws. Thus will all conflicting claims to jurisdiction between the States and the Indian tribes be put to rest. It is pleasing to reflect that results so beneficial, not only to the States immediately concerned, but to the harmony of the Union, will have been accomplished by measures equally advantageous to the Indians. What the native savages become when surrounded by a dense population, and by mixing with the whites, may be seen in the miserable remnants of a few eastern tribes, deprived of political and civil rights, forbidden to make contracts and subjected to guardians, dragging out a wretched existence, without excitement, without hope, and almost without thought.

But the removal of the Indians beyond the limits and jurisdiction of the States, does not place them beyond the reach of philanthropic aid and Christian instruction. On the contrary, those whom philanthropy or religion may induce to live among them in their new abode, will be more free in the exercise of their benevolent functions, than if they had remained within the limits of the States, embarrassed by their internal regulations. Now, subject to no control but the superintending agency of the General Government, exercised with the sole view of preserving peace, they may proceed unmolested in the interesting experiment of gradually advancing a community of American Indians from barbarism to the habits and enjoyments of civilized life.

Among the happiest effects of the improved relations of our republic, has been an increase of trade, producing a corresponding increase of revenue, beyond the most sanguine anticipations of the Treasury Department.

The state of the public finances will be fully shown by the Secretary of the Treasury, in the report which he will presently lay before you. I will here however congratulate you upon their prosperous condition. The revenue received in the present year will not fall short of twenty-seven millions seven hundred thousand dollars; and the expenditures for all objects other than the public debt, will not exceed fourteen millions seven hundred thousand. The payment on account of the principal and interest of the debt, during the year, will exceed sixteen millions and a half of dollars; a greater sum than has been applied to that object, out of the revenue, in any year since the enlargement of the sinking fund, except the two years following immediately thereafter. The amount which will have been applied to the public debt from the fourth of March, 1829, to the first of January next, which is less than three years since the administration has been placed in my hands, will exceed forty millions of dollars.

From the large importations of the present year, it may be safely estimated that the revenue which will be received into the Treasury from that source during the next

year, with the aid of that received from the public lands, will considerably exceed the amount of the receipts of the present year; and it is believed that with the means which the Government will have at its disposal, from various sources, which will be fully stated by the proper department, the whole of the public debt may be extinguished, either by redemption or purchase, within the four years of my administration. We shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt.

The confidence with which the extinguishment of the public debt may be anticipated, presents an opportunity for carrying into effect more fully the policy in relation to import duties, which has been recommended in my former messages. A modification of the Tariff, which shall produce a reduction of our revenue to the wants of the Government, and an adjustment of the duties on imports with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal objects which demand the consideration of the present Congress. Justice to the interests of the merchant as well as the manufacturer, requires that material reductions in the import duties be prospective; and unless the present Congress shall dispose of the subject, the proposed reductions cannot properly be made to take effect at the period when the necessity for the revenue arising from present rates shall cease. It is therefore desirable that arrangements be adopted at your present session to relieve the people from unnecessary taxation, after the extinguishment of the public debt. In the exercise of that spirit of concession and concilliation which has distinguished the friends of our Union in all great emergencies, it is believed that this object may be effected without injury to any national interest.

In my annual message of December, 1829, I had the honor to recommend the adoption of a more liberal policy than that which then prevailed towards unfortunate debtors to the Government; and I deem it my duty again to invite your attention to this subject.

Actuated by similar views, Congress, at their last session, passed an act for the relief of certain insolvent debtors of the United States; but the provisions of that law have not been deemed such as were adequate to that relief to this unfortunate class of our fellow citizens, which may be safely extended to them. The points in which the law appears to be defective will be particularly communicated by the Secretary of the Treasury; and I take pleasure in recommending such an extension of its provisions as will unfetter the enterprise of a valuable portion of our citizens, and restore to them the means of usefulness to themselves and the community. While deliberating on this subject, I would also recommend to your consideration the propriety of so modifying the laws for enforcing the payment of debts due either to the public or to individuals suing in the courts of the United States, as to restrict the imprisonment of the person to cases of fraudulent concealment of property. The personal liberty of the citizen seems too sacred to be held, as in many cases it now is, at the will of a creditor to whom he is willing to surrender all the means he has of discharging his debt.

The reports from the Secretaries of the War and Navy Departments, and from the Postmaster General, which accompany this message, present satisfactory views of the operations of the departments respectively under their charge; and suggest improvements which are worthy of and to which I invite the serious attention of Congress. Certain defects and omissions having been discovered in the operation of the laws respecting Patents, they are pointed out in the accompanying report from the Secretary of State.

I have heretofore recommended amendments of the Federal Constitution giving the election of President and Vice President to the people, and limiting the service of the former to a single term. So important do I consider these changes in our fundamental law, that I cannot, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in relation to these points as to the disqualification of members of Congress to receive an office from a President in whose election they have

had an official agency, which I proposed as a substitute, I refer you to my former messages.

Our system of public accounts is extremely complicated, and, it is believed, may be much improved. Much of the present machinery, and a considerable portion of the expenditure of public money may be dispensed with, while greater facilities can be afforded to the liquidation of claims upon the Government, and an examination into their justice and legality, quite as efficient as the present, secured. With a view to a general reform in the system, I recommend the subject to the attention of Congress.

I deem it my duty again to call your attention to the condition of the District of Columbia. It was doubtless wise in the framers of our Constitution to place the people of this District under the jurisdiction of the General Government; but, to accomplish the objects they had in view, it is not necessary that this people should be deprived of all the privileges of self government. Independently of the difficulty of inducing the Representatives of distant States to turn their attention to projects of laws which are not of the highest interest to their constituents, they are not individually, nor in Congress collectively, well qualified to legislate over the local concerns of this District. Consequently, its interests are much neglected, and the people are almost afraid to present their grievances, lest a body, in which they are not represented, and which feels little sympathy in their local relations, should, in its attempt to make laws for them, do more harm than good. Governed by the laws of the States whence they were severed, the two shores of the Potomac within the ten miles square, have different penal codes: not the present codes of Virginia and Maryland, but such as existed in those States at the time of the cession to the United States. As Congress will not form a new code, and as the people of the District cannot make one for themselves, they are virtually under two Governments. Is it not just to allow them at least a delegate in Congress, if not a local Legislature to make laws for the District, subject to the approval or rejection of Congress? I earnestly recommend the extension to them of every

political right which their interests require, and which may be compatible with the constitution.

The extension of the Judiciary system of the United States, is deemed to be one of the duties of Government. One fourth of the States in the Union do not participate in the benefits of a Circuit Court. To the States of Indiana, Illinois, Missouri, Alabama, Mississippi and Louisiana, admitted into the Union since the present Judicial system was organized, only a District Court has been allowed. If this be sufficient, then the Circuit Courts, already existing in eighteen States, ought to be abolished: if it be not sufficient, the defect ought to be remedied, and these States placed on the same footing with the other members of the Union. It was on this condition, and on this footing, that they entered the Union; and they may demand Circuit Courts as a matter, not of concession, but of right. I trust that Congress will not adjourn, leaving this anomaly in our system.

Entertaining the opinions heretofore expressed in relation to the Bank of the United States as at present organized, I felt it my duty, in my former messages frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the Constitution and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper, on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.

In conclusion, permit me to invoke that Power which superintends all Governments, to infuse into your deliberations, at this important crisis of our history, a spirit of mutual forbearance and conciliation. In that spirit was our union formed, and in that spirit must it be preserved.

BANK VETO.

JULY 10, 1832.

To the Senate:

The bill "to modify and continue" the act entitled "An act to incorporate the subscribers to the Bank of the United States," was presented to me on the 4th July instant. Having considered it with that solemn regard to the principles of the constitution which the day was calculated to inspire, and come to the conclusion that it ought not to become a law, I herewith return it to the Senate, in which it originated, with my objections.

A Bank of the United States is, in many respects, convenient for the Government, and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages, and obviating these objections. I sincerely regret, that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it

compatible with justice, with sound policy, or with the constitution of our country.

The present corporate body, denominated the President, Directors, and Company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking, under the authority of the General Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

An apology may be found for the failure to guard against this result, in the consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and, in many cases, to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase, at least twenty or thirty per cent. more, the market price of the stock, subject to the payment of the annuity of $200,000 per year secured by the act; thus adding, in a moment, one fourth to its par value. It is not our own citizens only who are to receive the bounty of our Government. More than eight millions of the stock of this bank are held by foreigners. By this act, the American Republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners, and to some of our own opulent citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank, must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if

their Government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in the market at least forty-two millions of dollars, subject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this act proposes to sell for three millions, payable in fifteen annual instalments of $200,000 each.

It is not conceivable how the present stockholders can have any claim to the special favor of the Government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the Government sell out the whole stock, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock incorporating the purchasers with all the powers and privileges secured in this act, and putting the premium upon the sales into the Treasury.

But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea that the present stockholders have a prescriptive right not only to the favor, but to the bounty of Government. It appears that more than a fourth part of the stock is held by foreigners, and the residue is held by a few hundred of our own citizens, chiefly of the richest class. For their benefit does this act exclude the whole American people from competition in the purchase of this monopoly, and dispose of it for many millions less than it is worth. This seems the less excusable, because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offered to take a charter on terms much more favorable to the Government and country.

But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing bank, has been set aside, and the bounty of our Government is proposed to be again be-

stowed on the few who have been fortunate enough to secure the stock, and at this moment wield the power of the existing institution. I cannot perceive the justice or policy of this course. If our Government must sell monopolies, it would seem to be its duty to take nothing less than their full value; and if gratuities must be made once in fifteen or twenty years, let them not be bestowed on the subjects of a foreign government, nor upon a designated and favored class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favors to our own fellow-citizens, and let each in his turn enjoy an opportunity to profit by our bounty. In the bearings of the act before me, upon these points, I find ample reasons why it should not become a law.

It has been urged as an argument in favor of rechartering the present bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own; and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the bank ought to be perpetual, and, as a consequence, the present stockholders, and those inheriting their rights as successors, be established a privileged order, clothed both with great political power, and enjoying immense pecuniary advantages, from their connection with the Government.

The modifications of the existing charter, proposed by this act, are not such, in my view, as make it consistent with the rights of the States or the liberties of the people. The qualification of the right of the bank to hold real estate, the limitation of its power to establish branches, and the power reserved to Congress to forbid the circulation of small notes, are restrictions comparatively of little value or importance. All the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation.

The fourth section provides "that the notes or bills of the said corporation, although the same be on the faces thereof, respectively, made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposite thereof, if tendered in liquidation or payment of any balance or balances due to said corporation, or to such office of discount and deposite, from any other incorporated bank." This provision secures to the State banks a legal privilege in the Bank of the United States, which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States, and have notes issued by the St. Louis branch, it can pay the debt with those notes; but if a merchant, mechanic, or other private citizen be in like circumstances, he cannot, by law, pay his debt with those notes; but must sell them at a discount, or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious; because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect, it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people: and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest.

The ninth section of the act recognizes principles of worse tendency than any provision of the present charter. It enacts that "the cashier of the bank shall annually report to the Secretary of the Treasury the names of all stockholders who are not resident citizens of the United States; and, on the application of the Treasurer of any State, shall make out and transmit to such Treasnrer a list of stockholders residing in, or citizens of such State, with the amount of stock owned by each." Although this provision, taken in connection with a decision of the Supreme Court, surrenders, by its silence, the right of the States to tax the banking institutions created by this corporation, under the name of branches, throughout the Union, it is evidently intended to be construed as a con-

cession of their right to tax that portion of the stock which may be held by their own citizens and residents. In this light, if the act becomes a law, it will be understood by the States, who will probably proceed to levy a tax equal to that paid upon the stock of banks incorporated by themselves. In some States that tax is now one per cent., either on the capital or on the shares, and that may be assumed as the amount which all citizen or resident stockholders would be taxed under the operation of this act. As it is only the stock *held* in the States, and not that *employed* between them, which would be subject to taxation, and as the names of foreign stockholders are not to be reported to the Treasurers of the States, it is obvious that the stock held by them will be exempt from this burden. Their annual profits will, therefore, be one per cent. more than the citizen stockholders; and, as the annual dividends of the bank may be safely estimated at seven per cent., the stock will be worth ten or fifteen per cent. more to foreigners than to citizens of the United States. To appreciate the effect which this state of things will produce, we must take a brief review of the operations and present condition of the Bank of the United States.

By documents, submitted to Congress at the present session, it appears that, on 1st of January, 1832, of the twenty eight-millions of private stock in the corporation, $8,405,500 were held by foreigners, mostly of Great Britain. The amount of stock held in the nine western and south-western States, is $140,200, and in the four southern States, is $5,623,100, and in the middle and eastern States, is about $13,522,000. The profits of the bank in 1831, as shown in a statement to Congress, were about $3,455,598: of this there accrued, in the nine western States, about $1,640,048; in the four southern States, about $352,507; and in the middle and eastern States, about $1,463,041. As little stock is held in the west, it is obvious that the debt of the people, in that section, to the bank, is principally a debt to the eastern and foreign stockholders; that the interest they pay upon it, is carried into the eastern States and into Europe; and that it is a burden upon their industry, and a drain of their cur-

rency, which no country can bear without inconvenience and occasional distress. To meet this burden, and equalize the exchange operations of the bank, the amount of specie drawn from those States, through its branches, within the last two years, as shewn by its official reports, was about $6,000,000. More than half a million of this amount does not stop in the eastern States, but passes on to Europe to pay the dividends of the foreign stockholders. In the principle of taxation recognized by this act, the western States find no adequate compensation for this perpetual burden on their industry, and drain of their currency. The branch bank at Mobile made last year 95,140 dollars; yet, under the provisions of this act, the State of Alabama can raise no revenue from these profitable operations, because not a share of the stock is held by any of her citizens. Mississippi and Missouri are in the same condition in relation to the branches at Natchez and St. Louis; and such, in a greater or less degree, is the condition of every western State. The tendency of the plan of taxation which this act proposes, will be to place the whole United States in the same relation to foreign countries which the western States now bear to the eastern. When, by a tax on resident stockholders, the stock of this bank is made worth ten or fifteen per cent. more to foreigners than to residents, most of it will inevitably leave the country.

Thus will this provision, in its practical effect, deprive the eastern as well as the southern and western States of the means of raising a revenue from the extension of business and great profits of this institution. It will make the American people debtors to aliens, in nearly the whole amount due to this bank, and send across the Atlantic from two to five millions of specie every year to pay the bank dividends.

In another of its bearings this provision is fraught with danger. Of the twenty-five directors of this bank, five are chosen by the Government, and twenty by the citizen stockholders. From all voice in these elections, the foreign stockholders are excluded by the charter. In proportion, therefore, as the stock is transferred to foreign holders, the extent of suffrage in the choice of directors

is curtailed. Already is almost a third of the stock in foreign hands, and not represented in elections. It is constantly passing out of the country; and this act will accelerate its departure. The entire control of the institution would necessarily fall into the hands of a few citizen stockholders; and the ease with which the object would be accomplished, would be a temptation to designing men to secure that control in their own hands, by monopolizing the remaining stock. There is danger that a president and directors would then be able to elect themselves from year to year, and, without responsibility or control, manage the whole concerns of the bank during the existence of its charter. It is easy to conceive that great evils to our country and its institutions might flow from such a concentration of power in the hands of a few men, irresponsible to the people.

Is there no danger to our liberty and independence in a bank, that, in its nature, has so little to bind it to our country? The President of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentred, as it may under the operation of such an act as this, in the hands of a self elected directory, whose interests are identified with those of the foreign stockholder, will there not be cause to tremble for the purity of our elections in peace, and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years, on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections, or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers, or prevent a renewal of its privileges, it cannot be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose

interests, if not affections, would run in the same direction, there can be no doubt. All its operations within, would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependance, it would be more formidable and dangerous than the naval and military power of the enemy.

If we must have a bank with private stockholders, every consideration of sound policy, and every impulse of American feeling, admonishes that it should be *purely American*. Its stockholders should be composed exclusively of our own citizens, who, at least, ought to be friendly to our Government, and willing to support it in times of difficulty and danger. So abundant is domestic capital, that competition in subscribing for the stock of local banks has recently led almost to riots. To a bank exclusively of American stockholders, possessing the powers and privileges granted by this act, subscriptions for two hundred millions of dollars could readily be obtained. Instead of sending abroad the stock of the bank in which the Government must deposite its funds, and on which it must rely to sustain its credit in times of emergency, it would rather seem to be expedient to prohibit its sale to aliens under penalty of absolute forfeiture.

It is maintained by the advocates of the bank that its constitutionality in all its features ought to be considered as settled by precedent, and by the decision of the Supreme Court. To this conclusion I cannot assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiesence of the people and the States can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the States, the expressions of legislative, judicial, and executive opinions against the bank, have been, prob-

ably, to those in its favor as four to one. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this Government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the constitution. Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the Supreme Judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress, than the opinion of Congress has over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But, in the case relied upon, the Supreme Court have not decided that all the features of this corporation are compatible with the constitution. It is true that the court have said that the law incorporating the bank is a constitutional exercise of power by Congress. But, taking into view the whole opinion of the court, and the reasoning by which they have come to that conclusion, I understand them to have decided that, inasmuch as a bank is an appropriate means for carrying into effect the enumerated powers of the General Government, therefore the law incorporating it is in accordance with that provision of the constitution which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying those powers into execution." Having satisfied themselves that the word "*necessary*" in the constitution, means "*needful*," "*requi-*

site," "essential," "conducive to," and that "a bank" is a convenient, a useful, and essential instrument, in the prosecution of the Government's "fiscal operations," they conclude, that to "use one must be within the discretion of Congress," and that "the act to incorporate the Bank of the United States is a law made in pursuance of the constitution; "but," say they, *"where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the Government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground."*

The principle here affirmed is, that the "degree of its necessity," involving all the details of a banking institution, is a question exclusively for legislative consideration. A bank is constitutional; but it is the province of the Legislature to determine whether this or that particular power, privilege, or exemption, "is necessary and proper" to enable the bank to discharge its duties to the Government; and, from their decision there is no appeal to the courts of justice. Under the decision of the Supreme Court, therefore, it is the exclusive province of Congress and the President to decide whether the particular features of this act are *necessary* and *proper* in order to enable the bank to perform conveniently and efficiently the public duties assigned to it as a fiscal agent, and therefore constitutional; or *unnecessary* and *improper*, and therefore unconstitutional. Without commenting on the general principle affirmed by the Supreme Court, let us examine the details of this act in accordance with the rule of legislative action which they have laid down. It will be found that many of the powers and privileges conferred on it cannot be supposed necessary for the purpose for which it is proposed to be created, and are not, therefore, means necessary to attain the end in view, and consequently not justified by the Constitution.

The original act of incorporation, section 21, enacts "that no other bank shall be established, by any future law of the United States, during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged: *Provided*, Congress

may renew existing charters for banks within the District of Columbia, not increasing the capital thereof; and may also establish any other bank or banks in said district, with capitals not exceeding in the whole six millions of dollars, if they shall deem it expedient." This provision is continued in force, by the act before me, fifteen years from the 3d of March, 1836.

If Congress possessed the power to establish one bank, they had power to establish more than one, if, in their opinion, two or more banks had been "necessary" to facilitate the execution of the powers delegated to them in the constitution. If they possessed the power to establish a second bank, it was a power derived from the constitution, to be exercised from time to time, and at any time when the interests of the country or the emergencies of the Government might make it expedient. It was possessed by one Congress as well as another, and by all Congresses alike, and alike at every session. But the Congress of 1816 have taken it away from their successors for twenty years, and the Congress of 1832 proposes to abolish it for fifteen years more. It cannot be "*necessary*" *or* "*proper*" for Congress to barter away, or divest themselves of any of the powers vested in them by the constitution to be exercised for the public good. It is not "*necessary*" to the efficiency of the bank, nor is it "*proper*" in relation to themselves and their successors. They may *properly* use the discretion vested in them; but they may not limit the discretion of their successors. This restriction on themselves, and grant of a monopoly to the bank, is, therefore, unconstitutional.

In another point of view, this provision is a palpable attempt to amend the constitution by an act of legislation. The constitution declares that "the Congress shall have power to exercise exclusive legislation, in all cases whatsoever," over the district of Columbia. Its constitutional power, therefore, to establish banks in the District of Columbia, and increase their capital at will, is unlimited and uncontrolable by any other power than that which gave authority to the constitution. Yet this act declares that Congress shall *not* increase the capital of existing banks, nor create other banks with capitals exceeding, in

the whole, six millions of dollars. The constitution declares that Congress *shall* have power to exercise exclusive legislation over this District "*in all cases whatsoever;*" and this act declares they shall not. Which is the supreme law of the land? This provision cannot be "*necessary*," or "*proper*," or *constitutional*, unless the absurdity be admitted, that, whenever it be "necessary and proper," in the opinion of Congress, they have a right to barter away one portion of the powers vested in them by the constitution, as a means of executing the rest.

On two subjects only does the constitution recognize in Congress the power to grant exclusive privileges or monopolies. It declares that "Congress shall have power to promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

Out of this express delegation of power, have grown our laws of patents and copy-rights. As the constitution expressly delegates to Congress the power to grant exclusive privileges, in these cases, as the means of executing the substantive power "to promote the progress of science and useful arts," it is consistent with the fair rules of construction, to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of Congressional power, there is an ever living discretion in the use of proper means, which cannot be restricted or abolished without an amendment of the constitution. Every act of Congress, therefore, which attempts, by grants of monopolies, or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is equivalent to a legislative amendment of the constitution, and palpably unconstitutional.

This act authorizes and encourages transfers of its stock to foreigners, and grants them an exemption from all State and national taxation. So far from being "*necessary and proper*" that the bank should possess this power to make it a safe and efficient agent of the Government in its fiscal operations, it is calculated to convert the Bank

of the United States into a foreign bank, to impoverish our people in time of peace, to disseminate a foreign influence through every section of the Republic, and, in war, to endanger our independence.

The several States reserved the power, at the formation of the constitution, to regulate and control titles and transfers of real property; and most, if not all of them, have laws disqualifying aliens from acquiring or holding lands within their limits. But this act, in disregard of the undoubted right of the States to prescribe such disqualifications, gives to aliens, stockholders in this bank, an interest and title, as members of the corporation, to all the real property it may acquire within any of the States of this Union. This privilege granted to aliens is not "*necessary*" to enable the bank to perform its public duties, nor in any sense "*proper*," because it is vitally subversive of the rights of the States.

The Government of the United States have no constitutional power to purchase lands within the States, except "for the erection of forts, magazines, arsenals, dock-yards and other needful buildings;" and even for these objects only "by the consent of the Legislature of the State in which the same shall be." By making themselves stockholders in the bank, and granting to the corporation the power to purchase lands for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not *necessary* to the receiving, safe keeping, or transmission of the funds of the Government, that the bank should possess this power; and it is not *proper* that Congress should thus enlarge the powers delegated to them in the constitution.

The old bank of the United States possessed a capital of only eleven millions of dollars, which was found fully sufficient to enable it, with despatch and safety, to perform all the functions required of it by the Government. The capital of the present bank is thirty-five millions of dollars, at least twenty-four more than experience has proved to be *necessary* to enable a bank to perform its public functions. The public debt which existed during the period of the old bank, and on the establishment of the new, has been nearly paid off, and our revenue will

soon be reduced. This increase of capital is therefore not for public, but for private purposes.

The Government is the only "*proper*" judge where its agents should reside and keep their offices, because it best knows where their presence will be "*necessary*." It cannot, therefore, be "*necessary*" or "*proper*" to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will. The principle laid down by the Supreme Court concedes that Congress cannot establish a bank for purposes of private speculation and gain, but only as a means of executing the delegated powers of the General Government. By the same principle, a branch bank cannot constitutionally be established for other than public purposes. The power which this act gives to establish two branches in any State, without the injunction or request of the Government, and for other than public purposes, is not "*necessary*" to the due *execution* of the powers delegated to Congress.

The bonus which is exacted from the bank is a confession, upon the face of the act, that the powers granted by it are greater than are "*necessary*" to its character of a fiscal agent. The Government does not tax its officers and agents for the privilege of serving it. The bonus of a million and a half required by the original charter, and that of three millions proposed by this act, are not exacted for the privilege of giving "the necessary facilities for transferring the public funds from place to place, within the United States or the Territories thereof, and for distributing the same in payment of the public creditors, without charging commission or claiming allowance on account of the difference of exchange," as required by the act of incorporation, but for something more beneficial to the stockholders. The original act declares, that it (the bonus) is granted "in consideration of the exclusive privileges and benefits conferred by this act upon the said bank," and the act before me declares it to be "in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid." It is, therefore, for "exclusive privileges and benefits" conferred for their own use and emolument,

and not for the advantage of the Government, that a bonus is exacted. These surplus powers, for which the bank is required to pay, cannot surely be *"necessary"* to make it the fiscal agent of the Treasury. If they were, the exaction of a bonus for them would not be *"proper."*

It is maintained by some that the bank is a means of executing the constitutional power "to coin money, and regulate the value thereof." Congress have established a Mint to coin money, and passed laws to regulate the value thereof. The money so coined, with its value so regulated, and such foreign coins as Congress may adopt, are the only currency known to the constitution. But if they have other power to regulate the currency, it was conferred to be exercised by themselves, and not to be transferred to a corporation. If the bank be established for that purpose, with a charter unalterable without its consent, Congress have parted with their power for a term of years, during which the constitution is a dead letter. It is neither necessary nor proper to transfer its legislative power to such a bank, and therefore unconstitutional.

By its silence, considered in connection with the decision of the Supreme Court in the case of McCulloch against the State of Maryland, this act takes from the States the power to tax a portion of the banking business carried on within their limits, in subversion of one of the strongest barriers which secured them against federal encroachments. Banking, like farming, manufacturing, or any other occupation or profession, is *a business*, the right to follow which is not originally derived from the laws. Every citizen, and every company of citizens, in all of our States, possessed the right, until the State Legislatures deemed it good policy to prohibit private banking, by law. If the prohibitory State laws were now repealed, every citizen would again possess the right. The State banks are a qualified restoration of the right which has been taken away by the laws against banking, guarded by such provisions and limitations as, in the opinion of the State Legislatures, the public interest requires. These corporations, unless there be an exemption in their charter, are, like private bankers and banking companies, subject to State taxation. The manner in which these

taxes shall be laid, depends wholly on legislative discretion. It may be upon the bank, upon the stock, upon the profits, or in any other mode which the sovereign power shall will.

Upon the formation of the constitution, the States guarded their taxing power with peculiar jealousy. They surrendered it only as it regards imports and exports. In relation to every other object within their jurisdiction, whether persons, property, business, or professions, it was secured in as ample a manner as it was before possessed. All persons, though United States' officers, are liable to a poll tax by the States within which they reside. The lands of the United States are liable to the usual land tax, except in the new States, from whom agreements that they will not tax unsold lands, are exacted when they are admitted into the Union: horses, waggons, any beasts or vehicles, tools or property, belonging to private citizens, though employed in the service of the United States, are subject to State taxation. Every private business, whether carried on by an officer of the General Government or not, whether it be mixed with public concerns or not, even if it be carried on by the Government of the United States itself, separately or in partnership, falls within the scope of the taxing power of the State. Nothing comes more fully within it than banks, and the business of banking, by whomsoever instituted and carried on. Over this whole subject matter, it is just as absolute, unlimited, and uncontrolable, as if the constitution had never been adopted, because, in the formation of that instrument, it was reserved without qualification.

The principle is conceded that the States cannot rightfully tax the operations of the General Government. They cannot tax the money of the Government deposited in the State banks, nor the agency of those banks in remitting it; but will any man maintain, that their mere selection to perform this public service for the General Government would exempt the State banks, and their ordinary business, from State taxation? Had the United States, instead of establishing a Bank at Philadelphia, employed a private banker to keep and transmit their funds, would

it have deprived Pennsylvania of the right to tax his bank, and his usual banking operations? It will not be pretended. Upon what principle, then, are the banking establishments of the Bank of the United States, and their usual banking operations to be exempted from taxation? It is not their public agency or the deposites of the Government which the States claim a right to tax, but their banks and their banking powers, instituted and exercised within State jurisdiction for their private emolument; those powers and privileges for which they pay a bonus, and which the States tax in their own banks. The exercise of these powers within a State, no matter by whom or under what authority, whether by private citizens in their original right, by corporate bodies created by the States, by foreigners or the agents of foreign Governments located within their limits, forms a legitimate object of State taxation. From this and like sources, from the persons, property, and business that are found residing, located, or carried on under their jurisdiction, must the States, since the surrender of their right to raise a revenue from imports and exports, draw all the money neccessary for the support of their Governments and the maintenance of their independence. There is no more appropriate subject of taxation than banks, banking, and bank stocks, and none to which the States ought pertinaciously to cling.

It cannot be *neccessary* to the character of the bank, as a fiscal agent of the Government, that its private business should be exempted from that taxation to which all State banks are liable; nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the States shall be thus attacked and annihilated as a means of executing the powers delegated to the General Government. It may be safely assumed that none of those sages who had an agency in forming or adopting our constitution, ever imagined that any portion of the taxing power of the States, not prohibited to them nor delegated to Congress, was to be swept away and annihilated as a means of executing certain powers delegated to Congress.

If our power over means is so absolute that the Su-

preme Court will not call in question the constitutionality of an act of Congress, the subject of which "is not prohibited, and is really calculated to effect any of the objects entrusted to the Government," although, as in the case before me, it takes away powers expressly granted to Congress, and rights scrupulously reserved to the States, it becomes us to proceed in our legislation with the utmost caution. Though not directly, our own powers and the rights of the States may be indirectly legislated away in the use of means to execute substantive powers. We may not enact that Congress shall not have the power of exclusive legislation over the District of Columbia, but we may pledge the faith of the United States, that, as a means of executing other powers, it shall not be exercised for twenty years or forever. We may not pass an act prohibiting the States to tax the banking business carried on within their limits, but we may, as a means of executing our powers over other objects, place that business in the hands of our agents, and then declare it exempt from State taxation in their hands. Thus may our own powers and the rights of the States, which we cannot directly curtail or invade, be frittered away and extinguished in the use of means employed by us to execute other powers. That a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, I do not entertain a doubt. Had the Executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy. A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not bring this important question to a satisfactory result.

Under such circumstances, the bank comes forward and asks a renewal of its charter for a term of fifteen years, upon conditions which not only operate as a gratuity to the stockholders of many millions of dollars, but will sanction any abuses and legalize any encroachments.

Suspicions are entertained, and charges are made, of gross abuse and violation of its charter. An investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, disclosed enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made, and as yet wholly uninvestigated, there was enough to induce a majority of the Committee of investigation, a committee which was selected from the most able and honorable members of the House of Representatives to recommend a suspension of further action upon the bill, and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity, and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so, there seems to be an additional reason why the functionaries of the Government should proceed with less haste, and more caution, in the renewal of their monopoly.

The bank is professedly established as an agent of the Executive branches of the Government, and its constitutionality is maintained on that ground. Neither upon the propriety of present action, nor upon the provisions of this act, was the Executive consulted. It has had no opportunity to say that it neither needs nor wants an agent clothed with such powers, and favored by such exemptions. There is nothing in its legitimate functions which make it neccessary or proper. Whatever interest or influence, whether public or private, has given birth to this act, it cannot be found either in the wishes or necessities of the Executive Department, by which present action is deemed premature, and the powers conferred upon its

agent not only unnecessary, but dangerous to the government and country.

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in Society will always exist under every just government. Equality of talents, of education, or of wealth, cannot be produced by human institutions. In the full enjoyment of the gifts of heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions, to grant titles, gratuities and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government. There are no neccessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me, there seems to be a wide and unnecessary departure from these just principles.

Nor is our Government to be maintained, or our Union preserved, by invasion of the rights and powers of the several States. In thus attempting to make our General Government strong, we make it weak. Its true strength consists in leaving individuals and States, as much as possible, to themselves; in making itself felt, not in its power, but in its beneficence, not in its control, but in its protection, not in binding the States more closely to the centre, but leaving each to move unobstructed, in its proper orbit.

Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protec-

tion and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires, we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and if possible, revive that devoted patriotism and spirit of compromise which distinguished the sages of the revolution, and the fathers of our Union. If we cannot at once, in justice to the interests vested under improvident legislation, make our government what it ought to be, we can, at least, take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy.

I have now done my duty to my country. If sustained by my fellow citizens, I shall be grateful and happy; if not, I shall find, in the motives which impel me, ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions, there is cause for neither dismay nor alarm. For relief and deliverance let us firmly rely on that kind Providence which, I am sure, watches with peculiar care over the destinies of our Republic, and on the intelligence and wisdom of our countrymen. Through *His* abundant goodness, and *their* patriotic devotion, our liberty and Union will be preserved.

FOURTH ANNUAL MESSAGE,

DECEMBER 4, 1832.

Fellow Citizens of the Senate
and House of Representatives:

It gives me pleasure to congratulate you upon your return to the Seat of Government, for the purpose of discharging your duties to the people of the United States. Although the pestilence, which had traversed the Old World, has entered our limits, and extended its ravages over much of our land, it has pleased Almighty God to mitigate its severity, and lessen the number of its victims, compared with those who have fallen in most other countries over which it has spread its terrors. Notwithstanding this visitation, our country presents, on every side, marks of prosperity and happiness, unequalled, perhaps, in any other portion of the world. If we fully appreciate our comparative condition, existing causes of discontent will appear unworthy of attention, and with hearts of thankfulness to that Divine Being who has filled our cup of prosperity, we shall feel our resolution strengthened to preserve and hand down to posterity that liberty and that Union which we have received from our fathers, and which constitute the sources and the shield of all our blessings.

The relations of our country continue to present the same picture of amicable intercourse that I had the sat-

isfaction to hold up to your view at the opening of your last session. The same friendly professions, the same desire to participate in our flourishing commerce, the same disposition to refrain from injuries unintentionally offered, are, with few exceptions, evinced by all nations with whom we have any intercourse. This desirable state of things may be mainly ascribed to our undeviating practice of the rule which has long guided our national policy, to require no exclusive privileges in commerce, and to grant none. It is daily producing its beneficial effect in the respect shown to our flag, the protection of our citizens and their property abroad, and in the increase of our navigation, and the extension of our mercantile operations. The returns which have been made out since we last met, will show an increase, during the last preceding year, of more than 80,000 tons in our shipping, and of near forty millions of dollars in the aggregate of our imports and exports.

Nor have we less reason to felicitate ourselves on the position of our political than of our commercial concerns. They remain in the state in which they were when I last addressed you—a state of prosperity and peace, the effect of a wise attention to the parting advice of the revered Father of his Country, on this subject, condensed into a maxim for the use of posterity, by one of his most distinguished successors, to cultivate free commerce and honest friendship with all nations, but to make entangling alliances with none. A strict adherence to this policy has kept us aloof from the perplexing questions that now agitate the European world, and have more than once deluged those countries with blood. Should those scenes unfortunately recur, the parties to the contest may count on a faithful performance of the duties incumbent on us as a neutral nation, and our own citizens may equally rely on the firm assertion of their neutral rights.

With the nation that was our earliest friend and ally in the infancy of our political existence, the most friendly relations have subsisted through the late revolutions, of its Government; and, from the events of the last, promise a permanent duration. It has made an approximation in some of its political institutions to our own, and raised a

monarch to the throne who preserves, it is said, a friendly recollection of the period during which he acquired among our citizens the high consideration that could then have been produced by his personal qualifications alone.

Our commerce with that nation is gradually assuming a mutually beneficial character, and the adjustment of the claims of our citizens has removed the only obstacle there was to an intercourse not only lucrative, but productive of literary and scientific improvement.

From Great Britain, I have the satisfaction to inform you that I continue to receive assurances of the most amicable disposition, which have, on my part, on all proper occasions, been promptly and sincerely reciprocated. The attention of that Government has latterly been so much engrossed by matters of a deeply interesting domestic character, that we could not press upon it the renewal of negotiations which had been unfortunately broken off by the unexpected recal of our minister, who had commenced them with some hopes of success. My great object was the settlement of questions which, though now dormant, might hereafter be revived under circumstances that would endanger the good understanding which it is the interest of both parties to preserve inviolate, cemented, as it is, by a community of language, manners, and social habits, and by the high obligations we owe to our British ancestors for many of our most valuable institutions, and for that system of representative Government which has enabled us to preserve and improve them.

The question of our northeastern boundary still remains unsettled. In my last annual message, I explained to you the situation in which I found that business on my coming into office, and the measures I thought it my duty to pursue for asserting the rights of the United States, before the sovereign who had been chosen by my predecessor to determine the question; and also the manner in which he had disposed of it. A special message to the Senate, in their executive capacity, afterwards brought before them the question, whether they would advise a submission to the opinion of the sovereign arbiter. That body having considered the award as not obligatory,

and advised me to open a further negotiation, the proposition was immediately made to the British Government; but the circumstances to which I have alluded, have hitherto prevented any answer being given to the overture. Early attention, however, has been promised to the subject, and every effort, on my part, will be made for a satisfactory settlement of this question, interesting to the Union generally, and particularly so to one of its members.

The claims of our citizens on Spain are not yet acknowledged. On a closer investigation of them than appears to have heretofore taken place, it was discovered that some of these demands, however strong they might be upon the equity of that Government, were not such as could be made the subject of national interference. And, faithful to the principle of asking nothing but what was clearly right, additional instructions have been sent to modify our demands, so as to embrace those only on which according to the laws of nations, we had a strict right to insist. An inevitable delay in procuring the documents necessary for this review of the merits of these claims, retarded this operation, until an unfortunate malady, which has afflicted his Catholic Majesty, prevented an examination of them. Being now, for the first time, presented in an unexceptionable form, it is confidently hoped the application will be successful.

I have the satisfaction to inform you that the application I directed to be made for the delivery of a part of the archives of Florida, which had been carried to the Havanna, has produced a royal order for their delivery, and that measures have been taken to procure its execution.

By the report of the Secretary of State, communicated to you on the 25th June last, you were informed of the conditional reduction obtained by the minister of the United States, at Madrid, of the duties on tonnage levied on American shipping in the ports of Spain. The condition of that reduction having been complied with on our part, by the act passed the 13th of July last, I have the satisfaction to inform you that our ships now pay no higher nor other duties, in the continental ports of Spain, than are levied on their national vessels.

The demands against Portugal for illegal captures in

the blockade of Terceira, have been allowed to the full amount of the accounts presented by the claimants, and payment was promised to be made in three instalments. The first of these has been paid; the second, although due, had not, at the date of our last advices, been received; owing, it was alleged, to embarrassments in the finances, consequent on the civil war in which that nation is engaged.

The payments stipulated by the convention with Denmark have been punctually made, and the amount is ready for distribution among the claimants as soon as the board, now sitting, shall have performed their functions.

I regret that, by the last advices from our Charge d'Affaires at Naples, that Government had still delayed the satisfaction due to our citizens; but, at that date, the effect of the last instructions was not known. Despatches from thence are hourly expected, and the result will be communicated to you without delay.

With the rest of Europe, our relations, political and commercial, remain unchanged. Negotiations are going on, to put, on a permanent basis, the liberal system of commerce now carried on between us and the empire of Russia. The treaty concluded with Austria is executed by his Imperial Majesty, with the most perfect good faith: and, as we have no diplomatic agent at his court, he personally inquired into, and corrected a proceeding of some of his subaltern officers, to the injury of our consul in one of his ports.

Our treaty with the Sublime Porte is producing its expected effects on our commerce. New markets are opening for our commodities, and a more extensive range for the employment of our ships. A slight augmentation of the duties on our commerce, inconsistent with the spirit of the treaty, had been imposed; but, on the representation of our Charge d'Affaires, it has been promptly withdrawn, and we now enjoy the trade and navigation of the Black Sea, and of all the ports belonging to the Turkish empire and Asia, on the most perfect equality with all foreign nations.

I wish earnestly that, in announcing to you the continuance of friendship, and the increase of a profitable com-

mercial intercourse with Mexico, with Central America, and the States of the South, I could accompany it with the assurance that they all are blessed with that internal tranquility, and foreign peace, which their heroic devotion to the cause of their independence merits. In Mexico, a sanguinary struggle is now carried on, which has caused some embarrassment to our commerce; but both parties profess the most friendly disposition towards us. To the termination of this contest, we look for the establishment of that secure intercourse, so necessary to nations whose territories are contiguous. How important it will be to us, we may calculate from the fact, that, even in this unfavorable state of things, our maritime commerce has increased, and an internal trade, by caravans, from St. Louis to Santa Fe, under the protection of escorts furnished by the Government, is carried on to great advantage, and is daily increasing. The agents provided for by the treaty with this power, to designate the boundaries which it established, have been named on our part; but one of the evils of the civil war now raging there, has been, that the appointment of those with whom they were to co-operate has not yet been announced to us.

The Government of Central America has expelled from its territory the party which, some time since, disturbed its peace. Desirous of fostering a favorable disposition towards us, which has on more than one occasion been evinced by this interesting country, I made a second attempt, in this year, to establish a diplomatic intercourse with them; but the death of the distinguished citizen whom I had appointed for that purpose, has retarded the execution of measures from which I hoped much advantage to our commerce. The union of the three States which formed the Republic of Colombia has been dissolved; but they all, it is believed, consider themselves as separately bound by the treaty which was made in their federal capacity. The minister accredited to the federation, continues in that character near the Government of New Grenada; and hopes were entertained that a new union would be formed between the separate States, at least for the purposes of foreign intercourse. Our min-

ister has been instructed to use his good offices, whenever they shall be desired, to produce the reunion so much to be wished for the domestic tranquillity of the parties, and the security and facility of foreign commerce.

Some agitations, naturally attendant on an infant reign, have prevailed in the empire of Brazil, which have had the usual effect upon commercial operations; and, while they suspended the consideration of claims created on similar occasions, they have given rise to new complaints on the part of our citizens. A proper consideration for calamities and difficulties of this nature has made us less urgent and peremptory in our demands for justice than duty to our fellow citizens would, under other circumstances, have required. But their claims are not neglected, and will, on all proper occasions, be urged, and, it is hoped with effect.

I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message, was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient.

A treaty of amity and commerce has been formed with the republic of Chili, which, if approved by the Senate, will be laid before you. That Government seems to be established, and at peace with its neighbors; and its ports being the resorts of our ships, which are employed in the highly important trade of the fisheries, this commercial convention cannot but be of great advantage to our fellow citizens engaged in that perilous but profitable business.

Our commerce with the neighboring State of Peru, owing to the onerous duties levied on our principal articles of export, has been on the decline, and all endeavors to procure an alteration have hitherto proved fruitless. With Boliva, we have yet no diplomatic intercourse, and the continual contests carried on between it and Peru have made me defer, until a more favorable period, the appointment of any agent for that purpose.

An act of atrocious piracy having been committed on one of our trading ships, by the inhabitants of a settle-

ment on the west coast of Sumatra, a frigate was despatched, with orderst o demand satisfaction for the injury, if those who committed it should be found to be members of a regular government, capable of maintaining the usual relations with foreign nations; but if, as it was supposed, and as they proved to be, they were a band of lawless pirates, to inflict such a chastisement as would deter them and others from like aggressions. This last was done, and the effect has been an increased respect for our flag in those distant seas, and additional security for our commerce.

In the view I have given of our connexion with foreign powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes, on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided.

The report which the Secretary of the Treasury will, in due time, lay before you, will exhibit the national finances in a highly prosperous state. Owing to the continued success of our commercial enterprise, which has enabled the merchants to fulfil their engagements with the Government, the receipts from customs during the year will exceed the estimate presented at the last session; and, with the other means of the Treasury, will prove fully adequate, not only to meet the increased expenditures resulting from the large appropriations made by Congress, but to provide for the payment of all the public debt which is at present redeemable. It is now estimated that the customs will yield to the Treasury, during the present year, upwards of twenty-eight millions of dollars. The public lands, however, have proved less productive than was anticipated; and, according to pre-

sent information, will not much exceed two millions. The expenditures for all objects other than the public debt, are estimated to amount, during the year, to about sixteen millions and a half, while a still larger sum, viz. eighteen millions of dollars, will have been applied to the principal and interest of the public debt.

It is expected, however, that, in consequence of the reduced rates of duty, which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt. On the first of January next, the entire public debt of the United States, funded and unfunded, will be reduced to within a fraction of seven millions of dollars: of which $2,227,363 are not of right redeemable until the first of January, 1834, and $4,735,296, not until the 2d of January, 1835. The commissioners of the sinking fund, however, being invested with full authority to purchase the debt at the market price, and the means of the Treasury being ample, it may be hoped that the whole will be extinguished within the year 1833.

I cannot too cordially congratulate Congress and my fellow citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present administration has devoted to it all the means which a flourishing commerce has supplied, and a prudent economy preserved, for the public Treasury. Within the four years for which the people have confided the executive power to my charge, fifty-eight millions of dollars will have been applied to the payment of the public debt. That this has been accomplished without stinting the expenditures for all other proper objects, will be seen by referring to the liberal provision made, during the same period, for the support and increase of our means of maritime and military defence, for internal improvements of a national character, for the removal and pre-

servation of the Indians, and, lastly, for the gallant veterans of the revolution.

The final removal of this great burthen from our resources affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them. From the report of the Secretary of the Treasury, it will be seen that, after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object, as may remove those burthens which shall be found to fall unequally upon any, and as may promote all the great interests of the community.

Long and patient reflection has strengthened the opinions I have heretofore expressed to Congress on this subject; and I deem it my duty, on the present occasion, again to urge them upon the attention of the Legislature. The soundest maxims of public policy, and the principles upon which our republican institutions are founded, recommend a proper adaptation of the revenue to the expenditure, and they also require that the expenditure shall be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service. In effecting this adjustment, it is due, in justice, to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture, essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interests is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole

scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit.

That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is, perhaps, no American citizen who would not, for a while, be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union.

What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments cannot expect that the people will continue permanently to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?

Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patri-

otism and duty, which will doubtless always secure to it a liberal and sufficient support. But beyond this object, we have already seen the operation of the system productive of discontent. In some sections of the republic, its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which, in other countries, have characterized the existence of monopolies, and proved so destructive of liberty and the general good. A large portion of the people, in one section of the republic, declares it not only inexpedient on these grounds, but as disturbing the equal relations of property by legislation, and therefore unconstitutional and unjust.

Doubtless, these effects are, in a great degree, exaggerated, and may be ascribed to a mistaken view of the considerations which led to the adoption of the tariff system; but they are, nevertheless, important in enabling us to review the subject with a more thorough knowledge of all its bearings upon the great interests of the republic, and with a determination to dispose of it so that none can, with justice, complain.

It is my painful duty to state, that, in one quarter of the United States, opposition to the revenue laws has risen to a height which threatens to thwart their execution, if not to endanger the integrity of the Union. Whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it is hoped they will be able, peaceably, to overcome them by the prudence of their own officers, and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our fellow citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable, from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it.

In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the constitution created, and

of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging, unfelt, its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the States, they are adverse to the purity of our institutions. The whole principle on which they are based, is deemed by many unconstitutional, and, to presist in the policy which they indicate, is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the three per cent. stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposites in that institution may be regarded as entirely safe; but, as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.

Among the interests which merit the consideration of Congress after the payment of the public debt, one

of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest, of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society, and true friends of liberty.

In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States, and the powers of the General Government; and, unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the States than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the import-

ance of a speedy and satisfactory arrangement of the subject, I deem it my duty, on this occasion, to urge it upon your consideration, and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States, respectively, in which it lies.

The adventurous and hardy population of the west, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of forty millions of dollars, and, of the revenue received therefrom, but a small part has been expended amongst them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end for ever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold, it seems to me, therefore, best to aban-

don the idea of raising a future revenue out of the public lands.

In former messages, I have expressed my conviction that the constitution does not warrant the application of the funds of the General Government to objects of internal improvement which are not national in their character; and, both as a means of doing justice to all interests, and putting an end to a course of legislation calculated to destroy the purity of the Government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

Without some general and well defined principles ascertaining those objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

If a system compatible with the constitution cannot be devised, which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment; and that there is, therefore, no excuse for the assumption of doubtful powers by the General Government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the proposed grant be not sufficiently apparent to command the assent of three-fourths of the States, the best

possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one fourth of the States are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this Government, as the harmony and union of the people.

Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise, in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the States such an amendment of the constitution as will define its character, and prescribe its bounds. If the States feel themselves competent to these objects, why should this Government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both Governments are the Governments of the people: improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the State Governments, it will, unquestionably, be safer and better for the people, than to add to the splendor, the patronage, and the power, of the General Government. But if the people of the several States think otherwise, they will amend the constitution, and, in their decision, all ought cheerfully to acquiesce.

For a detailed and highly satisfactory view of the operations of the War Department, I refer you to the accompanying report of the Secretary of War.

The hostile incursions of the Sac and Fox Indians necessarily led to the interposition of the Government. A portion of the troops, under Generals Scott and Atkinson, and of the militia of the State of Illinois, were called into the field. After a harrassing warfare, prolonged by the nature of the country, and by the difficulty of procuring subsistence, the Indians were entirely defeated, and the disaffected band dispersed or destroyed.

result has been creditable to the troops engaged in the service. Severe as is the lesson to the Indians, it was rendered necessary by their unprovoked aggressions; and it is to be hoped that its impression will be permanent and salutary.

This campaign has evinced the efficient organization of the army, and its capacity for prompt and active service. Its several departments have performed their functions with energy and despatch, and the general movement was satisfactory.

Our fellow citizens upon the frontiers were ready, as they always are, in the tender of their services in the hour of danger. But a more efficient organization of our militia system is essential to that security which is one of the principal objects of all governments. Neither our situation nor our institutions, require or permit the maintenance of a large regular force. History offers too many lessons of the fatal result of such a measure, not to warn us against its adoption here. The expense which attends it, the obvious tendency to employ it because it exists, and thus to engage in unnecessary wars, and, its ultimate danger to public liberty, will lead us, I trust, to place our principal dependence for protection upon the great body of the citizens of the republic. If, in asserting rights or in repelling wrongs, war should come upon us, our regular force should be increased to an extent proportioned to the emergency, and our present small army is a nucleous around which such force could be formed and embodied. But, for the purposes of defence under ordinary circumstances, we must rely upon the electors of the country. Those by whom, and for whom, the Government was instituted, and is supported, will constitute its protection in the hour of danger, as they do its check in the hour of safety.

But it is obvious that the militia system is imperfect. Much time is lost, much unnecessary expense incurred, and much public property wasted under the present arrangement. Little useful knowledge is gained by the musters and drills as now established, and the whole subject evidently requires a thorough examination. Whether a plan of classification remedying these defects, and

providing for a system of instruction, might not be adopted, is submitted to the consideration of Congress. The constitution has vested in the General Government an independent authority upon the subject of the militia, which renders its action essential to the establishment or improvement of the system, and I recommend the matter to your consideration, in the conviction that the state of this important arm of the public defence requires your attention.

I am happy to inform you, that the wise and humane policy of transferring from the eastern to the western side of the Mississippi, the remnants of our aboriginal tribes, with their own consent, and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation. By reference to the report of the Secretary of War, and to the documents submitted with it, you will see the progress which has been made since your last session in the arrangement of the various matters connected with our Indian relations. With one exception, every subject involving any question of conflicting jurisdiction, or of peculiar difficulty, has been happily disposed of, and the conviction evidently gains ground among the Indians, that their removal to the country assigned by the United States for their permanent residence, furnishes the only hope of their ultimate prosperity.

With that portion of the Cherokees, however, living within the State of Georgia, it has been found impracticable, as yet, to make a satisfactory adjustment. Such was my anxiety to remove all the grounds of complaint, and to bring to a termination the difficulties in which they are involved, that I directed the very liberal propositions to be made to them which accompany the documents herewith submitted. They cannot but have seen in these offers the evidence of the strongest disposition, on the part of the Government, to deal justly and liberally with them. An ample indemnity was offered for their present possessions, a liberal provision for their future support and improvement, and full security for their private and political rights. Whatever difference of opinion may have prevailed respecting the just claim

of these people, there will probably be none respecting the liberality of the propositions, and very little respecting the expediency of their immediate acceptance. They were, however, rejected, and thus the position of these Indians remains unchanged, as do the views communicated in my message to the Senate, of February 22, 1831.

I refer you to the annual report of the Secretary of the Navy, which accompanies this message, for a detail of the operations of that branch of the service during the present year.

Besides the general remarks on some of the transactions of our navy, presented in the view which has been taken of our foreign relations, I seize this occasion to invite to your notice the increased protection which it has afforded to our commerce and citizens on distant seas, without any augmentation of the force in commission. In the gradual improvement of its pecuniary concerns, in the constant progress in the collection of materials suitable for use during future emergencies, and in the construction of vessels, and the buildings necessary to their preservation and repair, the present state of this branch of the service exhibits the fruits of that vigilance and care which are so indispensable to its efficiency. Various new suggestions contained in the annexed report, as well as others heretofore submitted to Congress, are worthy of your attention; but none more so than that urging the renewal, for another term of six years, of the general appropriation for the gradual improvement of the navy.

From the accompanying report of the Postmaster General, you will also perceive that that department continues to extend its usefulness without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail.

I beg leave to call the attention of Congress to the views heretofore expressed in relation to the mode of choosing the President and Vice President of the United States, and to those respecting the tenure of office generally. Still impressed with the justness of those views, and with the belief that the modifications suggested on those subjects, if adopted, will contribute to the prosper-

ity and harmony of the country, I earnestly recommend them to your consideration at this time.

I have heretofore pointed out defects in the law for punishing official frauds, especially within the District of Columbia. It has been found almost impossible to bring notorious culprits to punishment, and, according to a decision of the court for this District, a prosecution is barred by a lapse of two years after the fraud has been committed. It may happen again, as it has already happened, that, during the whole two years, all the evidences of the fraud may be in the possession of the culprit himself. However proper the limitation may be in relation to private citizens, it would seem that it ought not to commence running in favor of public officers until they go out of office.

The judiciary system of the United States remains imperfect. Of the nine western and southwestern States, three only enjoy the benefits of a circuit court. Ohio, Kentucky, and Tennessee, are embraced in the general system; but Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, have only district courts. If the existing system be a good one, why should it not be extended? If it be a bad one, why is it suffered to exist? The new States were promised equal rights and privileges when they came into the Union, and such are the guarantees of the constitution. Nothing can be more obvious than the obligation of the General Government to place all the States on the same footing in relation to the administration of justice, and I trust this duty will be neglected no longer.

On many of the subjects to which your attention is invited in this communication, it is a source of gratification to reflect that the steps to be now adopted are uninfluenced by the embarrassments entailed upon the country by the wars through which it has passed. In regard to most of our great interests, we may consider ourselves as just starting in our career, and, after a salutary experience, about to fix, upon a permanent basis, the policy best calculated to promote the happiness of the people, and facilitate their progress towards the most complete enjoyment of civil liberty. On an occasion so interest-

ing and important in our history, and of such anxious concern to the friends of freedom throughout the world, it is our imperious duty to lay aside all selfish and local considerations, and be guided by a lofty spirit of devotion to the great principles on which our institutions are founded.

That this Government may be so administered as to preserve its efficiency in promoting and securing these general objects, should be the only aim of our ambition; and we cannot, therefore, too carefully examine its structure, in order that we may not mistake its powers, or assume those which the people have reserved to themselves, or have preferred to assign to other agents. We should bear constantly in mind the fact, that the considerations which induced the framers of the constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience; and that it cannot now be doubted that the genius of all our institutions prescribes simplicity and economy as the characteristics of the reform which is yet to be effected in the present and future execution of the functions bestowed upon us by the constitution.

Limited to a general superintending power to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrict human liberty, but to enforce human rights, this Government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehension of oppression, the free enterprise of our citizens, aided by the State sovereignties, will work out improvements and ameliorations which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and economical as scarcely to be felt. That the Almighty Ruler of the Universe may so direct our deliberations, and overrule our acts, as to make us instrumental in securing a result so dear to mankind, is my most earnest and sincere prayer.

PROCLAMATION.

DECEMBER 11, 1832.

Whereas, a Convention assembled in the State of South Carolina, have passed an Ordinance by which they declare, "That the several acts and parts of acts of the Congress of the United States purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially," two acts for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that State or its officers: and by the said Ordinance, it is further declared to be unlawful for any of the constituted authorities of the State or of the United States to enforce the payment of the duties imposed by the said acts within the same State, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said Ordinance;

And whereas, by the said Ordinance it is further ordained, that in no case of law or equity, decided in the Courts of said State, wherein shall be drawn in question the validity of the said Ordinance, or of the acts of the legislature that may be passed to give it effect, or of the

said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and that any person attempting to take such appeal shall be punished as for contempt of Court;

And, finally, the said Ordinance declares, that the people of South Carolina will maintain the said Ordinance at every hazard; and that they will consider the passage of any act by Congress abolishing or closing the ports of the said State, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of the said State will henceforth hold themselves absolved from all further obligation to maintain their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do;

And whereas, the said Ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its Constitution, and having for its object the destruction of the Union—that Union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred Union, hitherto inviolate, which, perfected by our happy Constitution, has brought us, by the favor of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations. To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honor and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, ANDREW JACKSON, *President of the United States*, have thought proper to issue this, my PROCLAMATION,

stating my views of the Constitution and laws applicable to the measures adopted by the Convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the Convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be invested, for preserving the peace of the Union and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with State authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The Ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured; but on the strange position that any one State may not only declare an Act of Congress void, but prohibit its execution—that they may do this consistently with the constitution—that the true construction of that instrumeut permits a State to retain its place in the Union, and yet be bound by no other of its laws than it may choose to consider as constitutional. It is true, they add, that to justify this abrogation of a law it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory, there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked why it is not deemed a sufficient guard against t[illegible]

passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the Judiciary, the other to the People and the States. There is no appeal from the State decision in theory, and the practical illustration shows that the courts are closed against the application to review it, both judges and jurors being sworn to decide in its favor. But reasoning on this subject is superfluous when our social compact in express terms declares that the laws of the United States, its Constitution and treaties made under it, are the supreme law of the land—and for greater caution adds, "that the Judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." And it may be asserted without fear of refutation, that no Federative Government could exist without a similar provision. Look for a moment to the consequences. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat, that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia were all deemed unconstitutional and were more unequal in their operation than any of the laws now complained of; but fortunately none of those States discovered that they had the right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might

have ended in defeat and disgrace instead of victory and honor, if the States who supposed it a ruinous and unconstitutional measure had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our Constitution was reserved for the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evil of reducing it to practice.

If the doctrine of a State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation had it been proposed to form a feature in our government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the Declaration of Independence we were known in our aggregate character AS THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts, and when the terms of confederation were reduced to form, it was in that of a solemn league of several States by which they agreed that they would collectively form one nation for the purpose of conducting some certain domestic concerns and all foreign relations. In the instrument forming that union is found an article which declares that, "every State shall abide by the determinations of Congress on all questions which by that confederation should be submitted to them."

Under the confederation then, no State could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions but they were not complied with. The Government could not operate on

individuals. They had no Judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain, if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all others rest, is, "*to form a more perfect union.*" Now, is it possible that even if there were no express provisions giving supremacy to the Constitution and laws of the United States over those of the States—can it be conceived, that an instrument made for the purpose of "*forming a more perfect union,*" than that of the confederation, could be so constructed by the assembled wisdom of our country as to substitute for that confederation a form of government dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State?—Every man of plain, unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider then the power to annul a law of the United States, assumed by one State, INCOMPATIBLE WITH THE EXISTENCE OF THE UNION, CONTRADICTED EXPRESSLY BY THE LETTER OF THE CONSTITUTION, UNAUTHORIZED BY ITS SPIRIT, INCONSISTENT WITH EVERY PRINCIPLE ON WHICH IT WAS FOUNDED, AND DESTRUCTIVE OF THE GREAT OBJECT FOR WHICH IT WAS FORMED.

After this general view of the leading principle, we must examine the particular application of it which is made in the Ordinance.

The preamble rests its justification on these grounds: It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reali-

ty intended for the protection of manufactures, which purpose it asserts to be unconstitutional;—that the operation of these laws is unequal;—that the amount raised by them is greater than is required by the wants of the government;—and finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges, that the law in question was passed under a power expressly given by the Constitution, to lay and collect imposts: but its constitutionality is drawn in question from the *motives* of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void: for how is that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed—in how many cases are they concealed by false professions—in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth, to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then indeed is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet anchor of our safety in the stormy times of con-

flict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and with all the solemnities of religion have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing, a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was entrusted? Did the name of Washington sanction, did the States ratify such an anomaly in the history of fundamental legislation? No. We were not mistaken. The letter of this great instrument is free from this radical fault: its language directly contradicts the imputation: its spirit—its evident intent contradicts it. No, we did not err! Our Constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages, whose memory will always be reverenced, have given us a practical, and as they hoped, a permanent constitutional compact. The Father of his country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was reserved to them, or that they could exercise it by implication. Search the debates in all their Conventions—examine the speeches of the most zealous opposers of Federal authority—look at the amendments that were proposed—they are all silent—not a syllable uttered, not a vote given, not a motion made to correct the explicit supremacy given to the laws of the Union over those of the States—or to show that implication, as is now contended, could defeat it. No—we have not erred! The Constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to

posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the Ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed.

The Constitution has given expressly to Congress the right of raising revenue and of determining the sum the public exigencies will require. The States have no control over the exercise of this right, other than that which results from the power of changing the Representatives who abuse it: and thus procure redress. Congress may undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the Representatives of all the people, checked by the Representatives of the States and the Executive power. The South Carolina construction gives it to the Legislature or the Convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people, have any representation. Which is the most discreet disposition of the power? I do not ask you, fellow citizens, which is the constitutional disposition—that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you, can you be ready, to risk all that we hold dear, to establish, for a temporary and a local purpose, that which you must acknowledge to be destructive and even absurd as a general provision? Carry out the consequences of this right vested in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased

any of the States, and we should soon cease to be a nation.

The Ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the law levying the duty.

These are the allegations contained in the Ordinance. Examine them seriously, my fellow citizens,—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness: and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law then for raising revenue, according to the South Carolina Ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenne, and each State have a right to oppose their execution—two rights directly opposed to each other—and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and General Government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution, that those laws and that Constitution shall be the "supreme law of the land, and that the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding." In vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to

execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation!—if a bare majority of the voters in any one State may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operations—say here it gives too little, there too much, and operates unequally—here it suffers articles to be free that ought to be taxed—there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve—in that the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion: Congress is composed of the representatives of all the States and of all the people of all the States; but WE, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away—*we*, who have solemnly agreed that this Constitution shall be our law—*we*, most of whom have sworn to support it—*we*, now abrogate this law and swear, and force others to swear, that it shall not be obeyed. And we do this, not because Congress have no right to pass such laws; this we do not allege, but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know—from their unequal operation, although it is impossible, from the nature of things, that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the Ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the Constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The Constitution declares, that the judicial powers of the United States extend to cases arising under the laws of the United States, and that such laws, the Constitution and Treaties, shall be paramount to the State Constitutions and laws. The judiciary act prescribes the mode

by which the case may be brought before a Court of the United States, by appeal, when a State tribunal shall decide against this provision of the Constitution. The Ordinance declares there shall be no appeal—makes the State law paramount to the Constitution and laws of the United States—forces Judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares, that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings the Ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which they say is a compact between sovereign States, who have preserved their whole sovereignty, and therefore are subject to no superior: that because they made the compact, they can break it, when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The people of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a government in which the people of all the States collectively are represented. We are ONE PEOPLE in the choice of the President and Vice President. Here the States have no other agency than to direct the mode in

which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The people, then, and not the States, are represented in the Executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice President, all vote for the same officers. The people of all the States do not vote for all the Members, each State electing only its own Representatives. But this creates no material distinction. When chosen they are all Representatives of the United States, not Representatives of the particular States from which they come. They are paid by the United States, not by the State, nor are they accountable to it for any act done in the performance of their legislative functions—and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents, when they come in conflict with any other partial or local interest, yet it is their first and highest duty, as Representatives of the United States, to promote the general good.

The Constitution of the United States then forms a government, not a league, and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers, as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation, and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a Nation, because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other

parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it, but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may by its terms have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt—if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction, other than a moral one; or if it should contain a penalty, as there is no common superior, it cannot be enforced. A Government, on the contrary, always has a sanction, express or implied, and in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a Government, is an offence, by whatever means the constitutional compact may have been formed; and such Government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed by the constitutional act. In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant, provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the nature of that union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some further developement to my views on this subject. No one, fellow citizens, has a higher reverence for the deserved rights of the States, than the Magistrate who

now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation, but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers—were all of them functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred in the first instance to the Government of the United States—they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offence against

SOVEREIGNTY, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not the less sacred because they have for their common interest made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the Royal Government we had no separate character; our opposition to its oppressions began as UNITED COLONIES. We were the UNITED STATES under the confederation, and the name was perpetuated and the Union rendered more perfect by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes, and with defined powers, created national Governments—how is it, that the most perfect of those several modes of union, should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but, it is labored to prove it a compact, (which in one sense it is) and then to argue that as a league is a compact, every compact between nations must of course be a league, and that from such an engagement every sovereign power has a right to recede. But it has been shown, that in this sense the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the Territories of the West, recal the grant? Will the inhabitants of the inland

States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to engagements solemnly made. Every one must see that the other States, in self defence, must oppose it at all hazards.

These are the alternatives that are presented by the Convention: A repeal of all the acts for raising revenue, leaving the Government without the means of support; or an acquiescence in the dissolution of our Uuion by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws that it must be repelled by force—that Congress could not, without involving itself in disgrace and the country in ruin, accede to the proposition: and yet if this is done in a given day, or if any attempt is made to execute the laws, the State is, by the Ordinance, declared to be out of the Union. The majority of a Convention assembled for the purpose, have dictated these terms, or rather this rejection of all terms in the name of the people of South Carolina. It is true that the Governor of the State speaks of the submission of their grievances to a convention of all the States; which he says they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a general convention to the other States; and Congress, if a sufficient number of them concurred, must have called it. But the first Magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the General Government of the merits of the controversy," such a Convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a Conven-

tion, unless it be demanded by two thirds of the States. This suggestion then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the legislature of South Carolina "anxiously desire" a General Convention to consider their complaints, why have they not made application for it in the way the Constitution points out? The assertion that they "earnestly seek" it is completely negatived by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State Convention: that Convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of the State has recommended to the legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM not only the duty imposed on me by the Constitution "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing Ordinance of the Convention,—to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and the laws of their country,—and to point out to all, the perilous situation into which the good people of that State have been led,—and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow citizens of my native State!—let me not only admonish you, as the first Magistrate of our common

country, not to incur the penalty of its laws, but use the influence that a Father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand! First a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the Tariff laws. The effect of those laws was confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our Fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union and bear none of its burdens. Eloquent appeals to your passions, to your State pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous feature of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state—look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive—it was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy! This character which was given to it, made you receive with too much confidence the assertions that were made of the unconstitutionality of the law and its oppres-

sive effects. Mark, my fellow citizens, that by the admission of your leaders the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification! What is the meaning of the word *palpable* in the sense in which it is here used?—that which is apparent to every one, that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence and endeavoring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty emulating the fame of our Revolutionary Fathers, nor are you an oppressed people contending, as they repeat to you against worse than colonial vassalage.

You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed, but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general consumption in your State. The importance of this change was underrated, and you were authoritatively told that no further alleviation of your burthens was to be expected at the very time when the condition of the country imperiously demanded such a modification of the duties, as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change, in allaying your discontents, you were precipi-

tated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part!—consider its government uniting in one bond of common interest and general protection so many different States—giving to all their inhabitants the proud title of AMERICAN CITIZEN—protecting their commerce—securing their literature and their arts—facilitating their intercommunication—defending the frontiers—and making their name respected in the remotest parts of the earth! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind! See education spreading the lights of religion, morality, and general information into every cottage in this wide extent of our Territories and States! Behold it as the asylum where the wretched and the oppressed find a refuge and support! Look on this picture of happiness and honor, and say, WE, TOO, ARE CITIZENS OF AMERICA—Carolina is one of these proud States, her arms have defended—her best blood has cemented this happy Union! And then add, if you can, without horror and remorse, this happy Union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard. And for what, mistaken men! for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honor of the Union? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation? Are you united at home—are you free from apprehension of civil discord, with all its fearful consequences? Do our neighboring republics, every

day suffering some new revolution or contending with some new insurrection—do they excite your envy? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution, deceived you—they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion: but be not deceived by names: disunion, by armed force, is TREASON. Are you really ready to incur its guilt? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonor, but on yours may fall the punishment—on your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your country. It cannot accede to the mad project of disunion, of which you would be the first victims—its first Magistrate cannot, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with the triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutleges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which so many of them fought and bled and died. I adjure you, as you honor their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edicts of its Convention—bid its members to re-assemble and promulgate the decided expressions of your will to

remain in the path which alone can conduct you to safety, prosperity, and honor—tell them that, compared to disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star spangled banner of your country shall float over you—that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country!—Its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who first caused the disorder.

Fellow citizens of the United States! The threat of unhallowed disunion—the names of those, once respected by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjuncture demanded a free, a full and explicit enunciation, not only of my intentions but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on undivided support in my determination to execute the laws—to preserve the Union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force; and, if it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by an offensive act on the part of the United States.

Fellow-citizens! The momentous case is before you.

On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one people shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated, to our children.

May the great Ruler of nations grant that the signal blessings with which He has favored ours, may not by the madness of party or personal ambition be disregarded and lost: and may His wise Providence bring those who produced this crisis, to see the folly before they feel the misery of civil strife: and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

NULLIFICATION MESSAGE.

JANUARY 16, 1833.

Gentlemen of the Senate
and House of Representatives of the United States:

In my annual message, at the commencement of your present session, I adverted to the opposition to the revenue laws in a particular quarter of the United States, which threatened not merely to thwart their execution, but to endanger the integrity of the Union. And, although I then expressed my reliance that it might be overcome by the prudence of the officers of the United States and the patriotism of the people, I stated that, should the emergency arise rendering the execution of the existing laws impracticable from any cause whatever, prompt notice should be given to Congress, with the suggestion of such views and measures as might be necessary to meet it.

Events which have occurred in the quarter then alluded to, or which have come to my knowledge subsequently, present this emergency.

Since the date of my last annual message, I have had officially transmitted to me by the Governor of South Carolina, which I now communicate to Congress, a copy of the Ordinance passed by the Convention which assembled at Columbia, in the State of South Carolina, in

November last, declaring certain acts of Congress therein mentioned, within the limits of that State to be absolutely null and void, and making it the duty of the Legislature to pass such laws as would be necessary to carry the same into effect from and after the first of February next.

The consequences to which this extraordinary defiance of the just authority of the Government might too surely lead, were clearly foreseen, and it was impossible for me to hesitate as to my own duty in such an emergency.

The Ordinance had been passed, however, without any certain knowledge of the recommendation which, from a view of the interests of the nation at large, the Executive had determined to submit to Congress; and a hope was indulged that, by frankly explaining his sentiments, and the nature of those duties which the crisis would devolve upon him, the authorities of South Carolina might be induced to retrace their steps. In this hope, I determined to issue my proclamation of the 10th of December last, a copy of which I now lay before Congress.

I regret to inform you that these reasonable expectations have not been realized, and that the several acts of the Legislature of South Carolina, which I now lay before you, and which have, all and each of them, finally passed, after a knowledge of the desire of the administration to modify the laws complained of, are too well calculated, both in their positive enactments and in the spirit of opposition which they obviously encourage, wholly to obstruct the collection of the revenue within the limits of that State.

Up to this period, neither the recommendation of the Executive in regard to our financial policy and impost system, nor the disposition manifested by Congress promptly to act upon that subject, nor the unequivocal expression of the public will in all parts of the Union, appears to have produced any relaxation in the measures of opposition adopted by the State of South Carolina; nor is there any reason to hope that the ordinance and laws will be abandoned.

I have no knowledge that an attempt has been made, or that it is in contemplation, to re-assemble either the

Convention or the Legislature ; and it will be perceived that the interval before the first of February is too short to admit of the preliminary steps necessary for that purpose. It appears, moreover, that the State authorities are actively organizing their military resources, and providing the means, and giving the most solemn assurances of protection and support to all who shall enlist in opposition to the revenue laws.

A recent proclamation of the present Governor of South Carolina has openly defied the authority of the Executive of the Union, and general orders from the head quarters of the State announced his determination to accept the services of volunteers, and his belief, that, should their country need their services, they will be found at the post of honor and duty, ready to lay down their lives in her defence. Under these orders, the forces referred to are directed to " hold themselves in readiness to take the field at a moment's warning ;" and in the city of Charleston, within a collection district and a port of entry, a rendezvous has been opened for the purpose of enlisting men for the magazine and municipal guard. Thus South Carolina presents herself in the attitude of hostile preparation, and ready even for military violence, if need be, to enforce her laws for preventing the collection of the duties within her limits.

Proceedings thus announced and matured must be distinguished from menaces of unlawful resistance by irregular bodies of people, who, acting under temporary delusion, may be restrained by reflection, and the influence of public opinion, from the commission of actual outrage. In the present instance, aggression may be regarded as committed when it is officially authorized, and the means of enforcing it fully provided.

Under these circumstances, there can be no doubt that it is the determination of the authorities of South Carolina fully to carry into effect their Ordinance and laws after the first of February. It therefore becomes my duty to bring the subject to the serious consideration of Congress, in order that such measures as they, in their wisdom, may deem fit, shall be seasonably provided ; and that it may be thereby understood that, while the

Government is disposed to remove all just cause of complaint, as far as may be practicable consistently with a proper regard to the interests of the community at large, it is, nevertheless, determined that the supremacy of the laws shall be maintained.

In making this communication, it appears to me to be proper not only that I should lay before you the acts and proceedings of South Carolina, but that I should also fully acquaint you with those steps which I have already caused to be taken for the due collection of the revenue, and with my views of the subject generally, that the suggestions which the Constitution requires me to make, in regard to your future legislation, may be better understood.

This subject having early attracted the anxious attention of the Executive, as soon as it was probable that the authorities of South Carolina seriously meditated resistance to the faithful execution of the revenue laws, it was deemed advisable that the Secretary of the Treasury should, particularly, instruct the officers of the United States in that part of the Union as to the nature of the duties prescribed by the existing laws.

Instructions were accordingly issued on the 6th of November to the collectors in that State, pointing out their respective duties, and enjoining upon each a firm and vigilant, but discreet, performance of them in the emergency then apprehended.

I herewith transmit copies of these instructions, and of the letter addressed to the district attorney requesting his co-operation. These instructions were dictated in the hope that, as the opposition to the laws by the anomalous proceeding of nullification, was represented to be of a pacific nature, to be pursued, substantially, according to the forms of the Constitution, and without resorting, in any event, to force or violence, the measures of its advocates would be taken in conformity with that profession; and, on such supposition, the means afforded by the existing laws would have been adequate to meet any emergency likely to arise.

It was, however, not possible altogether to suppress apprehension of the excesses to which the excitement

prevailing in that quarter might lead: but it certainly was not forseen that the meditated obstruction to the laws would so soon openly assume its present character.

Subsequently to the date of those instructions, however, the ordinance of the Convention was passed, which, if complied with by the people of the State, must effectually render inoperative the present revenue laws within her limits.

That Ordinance declares and ordains "that the several acts, and parts of acts, of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having operation and effect within the United States; and, more especially, "An act in alteration of the several acts imposing duties on imports," approved on the 19th of May, 1828; and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the 14th July, 1832, are unauthorized by the Constitution of the United States, and violate the true intent and meaning thereof, and are null and void, and no law, nor binding upon the State of South Carolina, its officers, and citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void."

It also ordains "that it shall not be lawful for any of the constituted authorities, whether of the State of South Carolina or of the United States, to enforce the payment of duties imposed by the said acts within the limits of the State, but that it shall be the duty of the Legislature to adopt such measures, and pass such acts, as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of the State, from and after the 1st of February next; and it shall be the duty of all other constituted authorities, and of all other persons residing or being within the limits of the State, and they are hereby required and enjoined, to obey and give effect to

this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto."

It further ordains, "that in no case of law or equity, decided in the courts of the State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and the person or persons attempting to take such appeal may be dealt with as for a contempt of court."

It likewise ordains, "that all persons holding any office of honor, profit, or trust, civil or military, under the State, shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly to obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do, his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead, or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military, shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be, in any respect, competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empannelled in any of the courts of the State, on any cause in which shall be in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce, this ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof."

The ordinance concludes: "And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people

of the co-States, that we are determined to maintain this ordinance and declaration at every hazard, do further declare that we will not submit to the application of force on the part of the Federal Government to reduce this State to obedience; but that we will consider the passage by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities, or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports; or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate government, and to do all other acts and things which sovereign and independent States may of right do."

This solemn denunciation of the laws and authority of the United States has been followed up by a series of acts, on the part of the authorities of that State, which manifest a determination to render inevitable a resort to those measures of self-defence which the paramount duty of the Federal Government requires; but, upon the adoption of which, that State will proceed to execute the purpose it has avowed in this ordinance, of withdrawing from the Union.

On the 27th of November, the Legislature assembled at Columbia; and, on their meeting, the Governor laid before them the ordinance of the Convention. In his message on that occasion, he acquaints them that "this ordinance has thus become a part of the fundamental law of South Carolina;" that "the die has been at last cast, and South Carolina has at length appealed to her ulterior sovereignty as a member of this confederacy, and has planted herself on her reserved rights. The rightful ex-

ercise of this power is not a question which we shall any longer argue. It is sufficient that she has willed it, and that the act is done; nor is its strict compatibility with our constitutional obligation to all laws passed by the General Government, within the authorized grants of power, to be drawn in question, when this interposition is exerted in a case in which the compact has been palpably, deliberately, and dangerously violated. That it brings up a conjecture of deep and momentous interest, is neither to be concealed nor denied. This crisis presents a class of duties which is referable to yourselves. You have been commanded by the people, in their highest sovereignty, to take care that, within the limits of this State, their will shall be obeyed." "The measure of legislation," he says, "which you have to employ at this crisis, is the precise amount of such enactments as may be necessary to render it utterly impossible to collect, within our limits, the duties imposed by the protective tariffs thus nullified." He proceeds: "that you should arm every citizen with a civil process by which he may claim, if he pleases, a restitution of his goods, seized under the existing imposts, on his giving security to abide the issue of a suit at law, and, at the same time, define what shall constitute treason against the State, and, by a bill of pains and penalties, compel obedience, and punish disobedience to your own laws, are points too obvious to require any discussion. In one word, you must survey the whole ground. You must look to and provide for all possible contingencies. In your own limits, your own courts of judicature must not only be supreme, but you must look to the ultimate issue of any conflict of jurisdiction and power between them and the courts of the United States."

The Governor also asks for power to grant clearances, in violation of the laws of the Union; and, to prepare for the alternative which must happen unless the United States shall passively surrender their authority, and the Executive, disregarding his oath, refrain from executing the laws of the Union, he recommends a thorough revision of the militia system, and that the Governor "be authorized to accept, for the defence of Charleston and its

dependencies, the services of two thousand volunteers, either by companies or files;" and that they be formed into a legionary brigade, consisting of infantry, riflemen, cavalry, field and heavy artillery; and that they be "armed and equipped, from the public arsenals, completely for the field; and that appropriations be made for supplying all deficiencies in our munitions of war." In addition to these volunteer drafts, he recommends that the Governor be authorized "to accept the services of ten thousand volunteers from the other divisions of the State, to be organized and arranged in the regiments and brigades; the officers to be selected by the commander-in-chief; and that this whole force be called *the State Guard.*"

A request has been regularly made of the Secretary of State of South Carolina for authentic copies of the acts which have been passed for the purpose of enforcing the ordinance; but, up to the date of the latest advices, that request had not been complied with; and, on the present occasion, therefore, reference can only be made to those acts as published in the newspapers of the State.

The acts to which it is deemed proper to invite the particular attention of Congress, are,

1st. "An act to carry into effect, in part, an ordinance to nullify certain acts of the Congress of the United States, purporting to be laws laying duties on the importation of foreign commodities," passed in Convention of this State, at Columbia, on the 24th November, 1832.

This act provides, that any goods seized or detained, under pretence of securing the duties, or for the non-payment of duties, or under any process, order, or decree, or other pretext, contrary to the intent and meaning of the ordinance, may be recovered by the owner or consignee by "an act of replevin." That, in case of refusing to deliver them, or removing them so that the replevin cannot be executed, the sheriff may seize the personal estate of the offender to double the amount of the goods: and, if any attempt shall be made to retake or seize them, it is the duty of the sheriff to recapture them. And that any person who shall disobey the process, or remove the goods, or any one who shall attempt to retake or seize the goods under pretence of securing the duties, or for non

payment of duties, or under any process or decree contrary to the intent of the ordinance, shall be fined and imprisoned, besides being liable for any other offence involved in the act.

It also provides that any person arrested or imprisoned on any judgment or deceee obtained in any Federal Court for duties, shall be entitled to the benefit secured by the habeas corpus act of the State in cases of unlawful arrest, and may maintain an action for damages; and that, if any estate shall be sold under such judgment or decree, the sale shall be held illegal. It also provides, that any jailor who receives a person committed on any process or other judicial proceedings to enforce the payment of duties, and any one who hires his house as a jail to receive such persons, shall be fined and imprisoned. And, finally, it provides that persons paying duties may recover them back with interest.

The next is called "An act to provide for the security and protection of the people of the State of South Carolina."

This act provides, that, if the Government of the United States, or any officer thereof, shall, by the employment of naval or military force, attempt to coerce the State of South Carolina into submission to the acts of Congress declared by the ordinance null and void, or to resist the enforcement of the ordinance, or of the laws passed in pursuance thereof, or in case of any armed or forcible resistance thereto, the Governor is authorized to resist the same, and to order into service the whole, or so much of the military force of the State as he may deem necessary; and that in case of any overt act of coercion, or intention to commit the same, manifested by an unusual assemblage of naval or military forces in or near the State, or the occurrence of any circumstances indicating that armed force is about to be employed against the State or in resistance to its laws, the Governor is authorized to accept the services of such volunteers, and call into service such portions of the militia, as may be required to meet the emergency.

The act also provides for accepting the service of the volunteers, and organizing the militia, embracing all

free white males between the ages of sixteen and sixty, and for the purchase of arms, ordinance, and ammunition. It also declares that the power conferred on the Governor shall be applicable to all cases of insurrection or invasion, or imminent danger thereof, and to cases where the laws of the State shall be opposed, and the execution thereof forcibly resisted, by combinations too powerful to be suppressed by the power vested in the sheriffs and other civil officers; and declars it to be the duty of the Governor, in every such case, to call forth such portions of the militia and volunteers as may be necessary promptly to suppress such combinations, and cause the laws of the State to be executed.

No 9, is "An act concerning the oath required by the ordinance passed in Convention at Columbia, on the 24th of November, 1832." This act prescribes the form of the oath, which is, to obey and execute the ordinance and all acts passed by the Legislature in pursuance thereof; and directs the time and manner of taking it by the officers of the State, civil, judiciary, and military.

It is believed that other acts have been passed, embracing provisions for enforcing the ordinance, but I have not yet been able to procure them.

I transmit, however, a copy of Governor Hamilton's message to the Legislature of South Carolina: of Governor Hayne's inaugural address to the same body, as also of his proclamation, and a general order of the Governor and commander-in-chief, dated the 20th of December, giving public notice that the services of volunteers will be accepted under the act already referred to.

If these measures cannot be defeated and overcome by the power conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defence, the supremacy of the laws is at an end, and the rights and liberties of the citizens can no longer receive protection from the Government of the Union. They not only abrogate the acts of Congress, commonly called the tariff acts of 1828 and 1832, but they prostrate and sweep away, at once, and without exception, every act, and every part of every act, imposing any amount whatever of duty on any foreign mer-

chandise; and, virtually, every existing act which has ever been passed authorizing the collection of the revenue, including the act of 1816, and, also, the collection law of 1799, the constitutionality of which has never been questioned. It is not only those duties which are charged to have been imposed for the protection of manufactures that are thereby repealed, but all others, though laid for the purpose of revenue merely, and upon articles in no degree suspected of being objects of protection. The whole revenue system of the United States in South Carolina is obstructed and overthrown; and the Government is absolutely prohibited from collecting any part of the public revenue within the limits of that State. Henceforth, not only the citizens of South Carolina, and of the United States, but the subjects of foreign States, may import any description or quantity of merchandise into the ports of South Carolina, without the payment of any duty whatsoever. That State is thus relieved from the payment of any part of the public burthens, and duties and imposts are not only rendered not uniform throughout the United States, but a direct and ruinous preference is given to the ports of that State over those of all the other States of the Union, in manifest violation of the positive provisions of the Constitution.

In point of duration, also, those aggressions upon the authority of Congress, which, by the ordinance, are made part of the fundamental law of South Carolina, are absolute, indefinite, and without limitation. They neither prescribe the period when they shall cease, nor indicate any conditions upon which those who have thus undertaken to arrest the operation of the laws are to retrace their steps, and rescind their measures. They offer to the United States no alternative but unconditional submission. If the scope of the ordinance is to be received as the scale of concession, their demands can be satisfied only by a repeal of the whole system of revenue laws, and by abstaining from the collection of any duties and imposts whatsoever.

It is true, that in the address to the people of the United States by the Convention of South Carolina, after announcing "fixed and final determination of the State

in relation to the protecting system," they say "that it remains for us to submit a plan of taxation, in which we would be willing to acquiesce, in a liberal spirit of concession, provided we are met in due time, and in a becoming spirit, by the States interested in manufactures." In the opinion of the Convention, an equitable plan would be, that "the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate shall be imposed upon all similar articles manufactured in the United States." The address proceeds to state, however, that "they are willing to make a large offering to preserve the Union, and, with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided also that a duty substantially uniform be imposed upon all foreign imports."

It is also true, that, in his message to the Legislature, when urging the necessity of providing "means of securing their safety by ample resources for repelling force by force," the Governor of South Carolina observes, that he "cannot but think that, on a calm and dispassionate review by Congress, and the functionaries of the General Government, of the true merits of this controversy, the arbitration, by a call of a Convention of all the States, which we sincerely and anxiously seek and desire, will be accorded to us."

From the diversity of terms indicated in these two important documents, taken in connexion with the progress of recent events in that quarter, there is too much reason to apprehend, without in any manner doubting the intentions of those public functionaries, that neither the terms proposed in the address of the Convention, nor those alluded to in the message of the Governor, would appease the excitement which has led to the present excesses.

It is obvious, however, that, should the latter be insisted on, they present an alternative which the General Government, of itself, can by no possibility grant, since, by an express provision of the Constitution, Congress can call a Convention for the purpose of proposing amendments only "on the application of the Legislatures of of two-thirds of the States." And it is not perceived that the terms presented in the address are more practicable than those referred to in the message.

It will not escape attention, that the conditions on which it is said, in the address of the Convention, they "would be willing to acquiesce," form no part of the ordinance. While this ordinance bears all the solemnity of a fundamental law, is to be authoritative upon all within the limits of South Carolina, and is absolute and unconditional in its terms, the address conveys only the sentiments of the Convention in no binding or practical form: one is the act of the State, the other only the expression of the opinions of the members of the Convention. To limit the effect of that solemn act by any terms or conditions whatever, they should have been embodied in it, and made of import no less authoritative than the act itself. By the positive enactments of the ordinance, the execution of the laws of the Union is absolutely prohibited; and the address offers no other prospect of their being again restored, even in the modified form proposed, than what depends upon the improbable contingency, that amid changing events and increasing excitement, the sentiments of the present members of the Convention, and of their successors, will remain the same.

It is to be regretted, however, that these conditions, even if they had been offered in the same binding form, are so undefined, depend upon so many contingencies, and are so directly opposed to the known opinions and interests of the great body of the American people, as to be almost hopeless of attainment. The majority of the States, and of the people, will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or in any possible contingency. As little practicable is it to provide that "the same rate of duty shall be imposed upon the protected

articles that shall be imposed upon the unprotected;" which, moreover, would be severely oppressive to the poor, and, in time of war, would add greatly to its rigors. And though there can be no objection to the principle, properly understood, that no more revenue shall be raised than is necessary for the constitutional purposes of the Government, which principle has been already recommended by the Excecutive as the true basis of taxation; yet it is very certain that South Carolina alone cannot be permitted to decide what these constitutional purposes are.

The period which constitutes the due time in which the terms proposed in the address are to be accepted, would seem to present scarcely less difficulty than the terms themselves. Though the revenue laws are already declared to be void in South Carolina, as well as the bonds taken under them, and the judicial proceedings for carrying them into effect, yet, as the full action and operation of the ordinance are to be suspended until the first of February, the interval may be assumed as the time within which it is expected that the most complicated portion of the national legislation, a system of long standing, and affecting great interests in the community, is to be rescinded and abolished. If this be required, it is clear that a compliance is impossible.

In the uncertainty, then, that exists as to the duration of the ordinance, and of the enactments for enforcing it, it becomes imperiously the duty of the Executive of the United States, acting with a proper regard to all the great interests committed to his care, to treat those acts as absolute and unlimited. They are so, as far as his agency is concerned. He cannot either embrace or lead to the performance of the conditions. He has already discharged the only part in his power, by the recommendation in his annual message. The rest is with Congress and the people; and until they have acted, his duty will require him to look to the existing state of things, and act under them according to his high obligations.

By these various proceedings, therefore, the State of South Carolina has forced the General Government, unavoidably, to decide the new and dangerous alternative of

permitting a State to obstruct the execution of the laws within its limits, or seeing it attempt to execute a threat of withdrawing from the Union. That portion of the people at present exercising the authority of the State, solemnly assert their right to do either, and as solemnly announce their determination to do one or the other.

In my opinion, both purposes are to be regarded as revolutionary in their character and tendency, and subversive of the supremacy of the laws and of the integrity of the Union. The result of each is the same; since a State in which, by an usurpation of power, the constitutional authority of the Federal Government is openly defied and set aside, wants only the form to be independent of the Union.

The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted, and to the objects which it is expressly formed to attain.

Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions that, under them, the empire of reason and law is substituted for the power of the sword. To no other source can appeals for supposed wrongs be made, consistently with the obligations of South Carolina; to no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty, no less of the public authorities than of the people, in every case to yield to a patriotic submission.

That a State, or any other great portion of the people, suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves

from their obligations to the Government, and appeal to the last resort, need not, on the present occasion, be denied.

The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of Government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it. Such a right, though it may be admmitted to pre-exist, and cannot be wholly surrendered, is necessarily subjected to limitations in all free governments, and in compacts of all kinds, freely and voluntarily entered into, and in which the interests and welfare of the individual become identified with those of the community of which he is a member. In compacts between individuals, however deeply they may affect their relations, these principles are acknowledged to create a sacred obligation; and in compacts of civil government, involving the liberties and happiness of millions of mankind, the obligation cannot be less.

Without adverting to the particular theories to which the Federal compact has given rise, both as to its formation and the parties to it, and without inquiring whether it be merely federal, or social, or national, it is sufficient that it must be admitted to be a compact, and to possess the obligations incident to a compact; to be "a compact by which power is created on the one hand, and obedience exacted on the other; a compact freely, voluntarily, and solemnly, entered into by the several States, and ratified by the people thereof, respectively; a compact by

which the several States, and the people thereof, respectively, have bound themselves to each other, and to the Federal Government, and by which the Federal Government is bound to the several States, and to every citizen of the United States." To this compact, in whatever mode it may have been done, the people of South Carolina have freely and voluntarily given their assent; and to the whole and every part of it, they are, upon every principle of good faith, inviolably bound. Under this obligation they are bound, and should be required, to contribute their portion of the public expense, and to submit to all laws made by the common consent, in the pursuance of the Constitution, for the common defence and general welfare, until they can be changed in the mode which the compact has provided for the attainment of those great ends of the Government and of the Union. Nothing less than cases which would justify revolutionary remedy, can absolve the people from this obligation; and for nothing less can the Government permit it to be done without violating its own obligations, by which, under the compact, it is bound to the other States, and to every citizen of the United States.

These deductions plainly flow from the nature of the federal compact, which is one of limitations, not only upon the powers originally possessed by the parties thereto, but also upon those conferred on the Government, and every department thereof. It will be freely conceded that, by the principles of our system, all power is vested in the people; but to be exercised in the mode, and subject to the checks, which the people themselves have prescribed. These checks are, undoubtedly, only different modifications of the same great popular principle which lies at the foundation of the whole, but are not, on that account, to be less regarded or less obligatory.

Upon the power of Congress, the veto of the Executive, and the authority of the judiciary, which is to extend to all cases in law and equity arising under the Constitution and laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of

amendment, are the salutary and only limitation upon the powers of the whole.

However it may be alleged that a violation of the compact, by the measures of the Government, can affect the obligations of the parties, it cannot even be pretended that such violation can be predicated of those measures until all the constitutional remedies shall have been fully tried. If the Federal Government exercise powers not warranted by the Constitution, and immediately affecting individuals, it will scarcely be denied that the proper remedy is a recourse to the judiciary. Such, undoubtedly, is the remedy for those who deem the acts of Congress laying duties and imposts and providing for their collection, to be unconstitutional. The whole operation of such laws is upon the individuals importing the merchandise. A State is absolutely prohibited from laying imposts or duties on imports or exports, without the consent of Congress, and cannot become a party, under these laws, without importing in her own name, or wrongfully interposing her authority against them. By thus interposing, however, she cannot rightfully obstruct the operation of the laws upon individuals. For their disobedience to, or violation of, the laws, the ordinary remedies through the judicial tribunals would remain. And in a case where an individual should be prosecuted for any offence against the laws, he could not set up, in justification of his act, a law of the State, which, being unconstitutional, would therefore be regarded as null and void. The law of a State cannot authorize the commission of a crime against the United States or any other act which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear, that, if there be any case in which a State, as such, is affected by the law beyond the scope of judicial power, the remedy consists in appeals to the people, either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the Government are to be recognized as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and any attempt to subvert those measures, or to render the laws subordinate to State authority,

and, afterwards, to resort to constitutional redress, is worse than evasive. It would not be a proper resistance to "*a government of unlimited powers*," as has been sometimes pretended, but unlawful opposition to the very limitations on which the harmonious action of the Government, and all its parts, absolutely depends. South Carolina has appealed to none of these remedies, but, in effect, has defied them all. While threatening to separate from the Union if any attempt be made to enforce the revenue laws otherwise than through the civil tribunals of the country, she has not only not appealed in her own name to those tribunals which the Constitution has provided for all cases in law or equity arising under the Constitution and laws of the United States, but has endeavored to frustrate their proper action on her citizens, by drawing the cognizance of cases under the revenue laws to her own tribunals, specially prepared and fitted for the purpose of enforcing the acts passed by the State to obstruct those laws, and both the judges and jurors of which will be bound, by the import of oaths previously taken, to treat the Constitution and laws of the United States in this respect as a nullity. Nor has the State made the proper appeal to public opinion, and to the remedy of amendment. For, without waiting to learn whether the other States will consent to a Convention, or, if they do, will construe or amend the Constitution to suit her views, she has, of her own authority, altered the import of that instrument, and given immediate effect to the change. In fine, she has set her own will and authority above the laws, has made herself arbiter in her own cause, and has passed at once over all intermediate steps to measures of avowed resistance, which, unless they be submitted to, can be enforced only by the sword.

In deciding upon the course which a high sense of duty to all the people of the United States imposes upon the authorities of the Union in this emergency, it cannot be overlooked that there is no sufficient cause for the acts of South Carolina, or for her thus placing in jeopardy the happiness of so many millions of people. Misrule and oppression, to warrant the disruption of the free institutions of the Union of these States, should be great

and lasting, defying all other remedy. For causes of minor character, the Government could not submit to such a catastrophe, without a violation of its most sacred obligations to the other States of the Union, who have submitted their destiny to its hands.

There is, in the present instance, no such cause, either in the degree of misrule or oppression complained of, or in the hopelessness of redress by canstitutional means. The long sanction they have received from the proper authorities and from the people, not less than the unexampled growth and increasing prosperity of so many millions of freemen, attest that no such oppression as would justify or even palliate such a resort, can be justly imputed either to the present policy or past measures of the Federal Government. The same mode of collecting duties, and for the same general objects, which began with the foundation of the Government, and which has conducted the country through its subsequent steps to its present enviable condition of happiness and renown, has not been changed. Taxation and representation, the great principle of the American revolution, have continually gone hand in hand; and at all times, and in every instance, no tax of any kind has been imposed without their participation; and, in some instances, which have been complained of, with the express assent of a part of the Representatives of South Carolina in the councils of the Government. Up to the present period, no revenue has been raised beyond the necessary wants of the country, and the authorized expenditures of the Government. And as soon as the burden of the public debt is removed, those charged with the administration have promptly recommended a corresponding reduction of revenue.

That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late chief magistrate of that State in his address to the Legislature. In that he says, that "the occurrences of the past year, in connexion with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgement are due for the various and multiplied

blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition." It would, indeed, be difficult to imagine oppression where, in the social condition of a people, there was equal cause of thankfulness, as for abundant harvests, and varied and multiplied blessings with which a kind Providence had favored them.

Independently of these considerations, it will not escape observation, that South Carolina still claims to be a component part of the Union, to participate in the national councils, and to share in the public benefits, without contributing to the public burdens—thus asserting the dangerous anomaly of continuing in an association without acknowledging any other obligation to its laws than what depends upon her own will.

In this posture of affairs, the duty of the Government seems to be plain. It inculcates a recognition of that State as a member of the Union, and subject to its authority; a vindication of the just power of the Constitution; the preservation of the integrity of the Union; and the execution of the laws by all constitutional means.

The Constitution, which his oath of office obliges him to support, declares that the Executive "*shall take care that the laws be faithfully executed;*" and, in providing that he shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, imposes the additional obligation of recommending to Congress such more efficient provision for executing the laws, as may, from time to time, be found requisite.

The same instrument confers on Congress the power not merely to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare; but "to make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or

in any department or officer thereof;" and, also, to provide for calling forth the militia for executing the laws of the Union. In all cases similar to the present, the duties of the Government become the measure of its powers; and whenever it fails to exercise a power necessary and proper to the discharge of the duty prescribed by the Constitution, it violates the public trusts not less than it would in transcending its proper limits. To refrain, therefore, from the high and solemn duties thus enjoined, however painful the performance may be, and thereby tacitly permit the rightful authority of the Government to be contemned, and its laws obstructed by a single State, would neither comport with its own safety, nor the rights of the great body of the American people.

It being thus shown to be the duty of the Executive to execute the laws by all constitutional means, it remains to consider the extent of those already at his disposal, and what it may be proper further to provide.

In the instructions of the Secretary of the Treasury to the collectors in South Carolina, the provisions and regulations made by the act of 1799, and also the fines, penalties, and forfeitures, for their enforcement, are particularly detailed and explained. It may be well apprehended, however, that these provisions may prove inadequate to meet such an open, powerful, organized opposition, as is to be commenced after the first of February next.

Subsequently to the date of these instructions, and to the passage of the ordinance, information has been received, from sources entitled to be relied on, that, owing to the popular excitement in the State, and the effect of the ordinance declaring the execution of the revenue laws unlawful, a sufficient number of persons, in whom confidence might be placed, could not be induced to accept the office of inspector, to oppose, with any probability of success, the force which will, no doubt, be used when an attempt is made to remove vessels and their cargoes from the custody of the officers of the customs; and, indeed, that it would be impracticable for the collector, with the aid of any number of inspectors whom he may be authorized to employ, to preserve the custody against such an attempt.

The removal of the custom-house from Charleston to Castle Pinckney was deemed a measure of necessary precaution; and, though the authority to give that direction is not questioned, it is nevertheless apparent that a similar precaution cannot be observed in regard to the ports of Georgetown and Beaufort, each of which, under the present laws, remains a port of entry, and exposed to the obstructions meditated in that quarter.

In considering the best means of avoiding or of preventing the apprehended obstruction to the collection of the revenue, and the consequences which may ensue, it would appear to be proper and necessary to enable the officers of the customs to preserve the custody of vessels and their cargoes, which, by the existing laws, they are required to take, until the duties to which they are liable shall be paid or secured. The mode by which it is contemplated to deprive them of that custody, is the process of replevin, and that of *capias in withernam*, in the nature of a distress from the State tribunals organized by the ordinance.

Against the proceeding in the nature of a distress, it is not perceived that the collector can interpose any resistance whatever; and against the process of replevin authorized by the law of the State, he, having no common law power, can only oppose such inspectors as he is by statute authorized, and may find it practable to employ; and these, from the information already adverted to, are shown to be wholly inadequate.

The respect which that process deserves, must therefore be considered.

If the authorities of South Carolina had not obstructed the legitimate action of the courts of the United States, or if they had permitted the State tribuuals to administer the law according to their oath under the Constitution and the regulations of the laws of the Union, the General Government might have been content to look to them for maintaining the custody, and to encounter the other inconveniences arising out of the recent proceedings. Even in that case, however, the process of replevin from the courts of the State would be irregular and unauthorized. It has been decided by the Supreme Court

of the United States that the courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a State authority, which, by taking the thing seized out of the hands of the United States' officers, might obstruct the exercise of this jurisdiction, is unlawful: that, in such case, the court of the United States having cognizance of the seizure, may enforce a re-delivery of the thing by attachment or other summary process; that the question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends on the final decree, whether the seizure is to be deemed rightful or tortuous; and that not until the seizure be finally judged wrongful and without probable cause by the courts of the United States, can the party proceed at common law for damages in the State courts.

But, by making it "unlawful for any of the constituted authorities, whether of the United States or of the State, to enforce the laws for the payment of duties, and declaring that all judicial proceedings which shall be hereafter had in affirmance of the contracts made with purpose to secure the duties imposed by the said acts, are, and shall be held utterly null und void," she has, in effect, abrogated the judicial tribunals within her limits in this respect; has virtually denied the United States access to the courts established by their own laws; and declared it unlawful for the judges to discharge those duties which they are sworn to perform. In lieu of these, she has substituted those State tribunals already adverted to, the judges whereof are not merely forbidden to allow an appeal or permit a copy of their record, but are previously sworn to disregard the laws of the Union, and enforce those only of South Carolina; and, thus deprived of the function essential to the judicial character, of inquiring into the validity of the law and the right of the matter, become merely ministerial instruments in aid of the concerted obstruction of the laws of the Union.

Neither the process nor authority of these tribunals, thus constituted, can be respected, consistently with the supremacy of the laws or the rights and security of the

citizen. If they be submitted to, the protection due from the Government to its officers and citizens is withheld, and there is, at once, an end, not only to the laws, but to the Union itself.

Against such a force as the sheriff may, and which, by the replevin law of South Carolina, it is his duty to exercise, it cannot be expected that a collector can retain his custody with the aid of the inspectors. In such case, it is true, it would be competent to institute suits in the United States' courts against those engaged in the unlawful proceeding; or the property might be seized for a violation of the revenue laws, and, being libelled in the proper courts, an order might be made for its re-delivery, which would be committed to the marshal for execution. But, in that case, the 4th section of the act, in broad and unqualified terms, makes it the duty of the sheriff "to prevent such recapture or seizure, or to re-deliver the goods, as the case may be," "even under any process, order, or decrees, or other pretext, contrary to the true intent and meaning of the ordinance aforesaid." It is thus made the duty of the sheriff to oppose the process of the courts of the United States, and, for that purpose, if need be, to employ the whole power of the county. And the act expressly reserves to him all power, which, independently of its provisions, he could have used. In this reservation, it obviously contemplates a resort to other means than those particularly mentioned.

It is not to be disguised that the power which it is thus enjoined upon the sheriff to employ, is nothing less than the *posse comitatis*, in all the rigor of the ancient common law. This power, though it may be used against unlawful resistance to judicial process, is, in its character, forcible, and analogous to that conferred upon the marshals by the act of 1795. It is, in fact, the embodying of the whole mass of the population, under the command of a single individual, to accomplish, by their forcible aid, what could not be effected peaceably and by the ordinary means. It may properly be said to be a relic of those ages in which the laws could be defended rather by physical than moral force, and, in its origin, was conferred upon the sheriffs of England to enable them to de-

fend their country against any of the king's enemies when they came into the land, as well as for the purpose of executing process. In early, and less civilized times, it was intended to include "the aid and attendance of all knights and others who were bound to have harness." It includes the right of going with arms and military equipment, and embraces larger classes and greater masses of population than can be compelled by the laws of most of the States to perform militia duty. If the principles of the common law are recognized in South Carolina, (and from this act it would seem they are,) the power of summoning the *posse comitatis* will compel, under the penalty of fine and imprisonment, every man over the age of fifteen, and able to travel, to turn out, at the call of the sheriff, and with such weapons as may be necessary; and it may justify beating, and even killing, such as may resist. The use of the *posse comitatis* is, therefore, a direct application of force, and cannot be otherwise regarded than as the employment of the whole militia force of the county, and in an equally efficient form, under a different name. No proceeding which resorts to this power, to the extent contemplated by the act, can be properly denominated peaceable.

The act of South Carolina, however, does not rely altogether upon this forcible remedy. For even attempting to resist or disobey—though by the aid only of the ordinary officers of the customs—the process of replevin, the collector and all concerned are subject to a further proceeding in the nature of a distress of their personal effects; and are, moreover, made guilty of a misdemeanor, and liable to be punished by a fine of not less than one thousand, nor more than five thousand dollars, and to imprisonment not exceeding two years, and not less than six months; and for even attempting to execute the order of the court for retaking the property, the marshal, and all assisting, would be guilty of a misdemeanor, and liable to a fine of not less than three thousand dollars, nor more than ten thousand, and to imprisonment not exceeding two years, nor less than one, and, in case the goods should be retaken under such process, it is made the absolute duty of the sheriff to retake them.

It is not to be supposed that, in the face of these penalties, aided by the powerful force of the county, which would doubtless be brought to sustain the State officers, either that the collector would retain the custody in the first instance, or that the marshal could summon sufficient aid to retake the property pursuant to the order or other process of the court.

It is, moreover, obvious that in this conflict between the powers of the officers of the United States and of the State, (unless the latter be passively submitted to,) the destruction to which the property of the officers of the customs would be exposed, the commission of actual violence, and the loss of lives, would be scarcely avoidable.

Under these circumstances, and the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable even through the ordinary judicial tribunals of the United States. There would certainly be fewer difficulties, and less opportunity of actual collision between the officers of the United States and of the State, and the collection of the revenue would be more effectually secured—if indeed it can be done in any other way—by placing the custom-house beyond the immediate power of the county.

For this purpose, it might be proper to provide that whenever, by any unlawful combination or obstruction in any State, or in any port, it should become impracticable faithfully to collect the duties, the President of the United States should be authorized to alter and abolish such of the districts and ports of entry as should be necessary, and to establish the custom-house at some secure place within some port or harbor of such State; and, in such cases, it should be the duty of the collector to reside at such place, and to detain all vessels and cargoes until the duties imposed by law should be properly secured or paid in cash, deducting interest; that, in such cases, it should be unlawful to take the vessel and cargo from the custody of the proper officer of the customs, unless by process from the ordinary judicial tribunals of the United States; and that, in case of an attempt otherwise to take the property by a force too great to be overcome by the officers of the customs, it should be lawful to protect the posses-

sion of the officers by the employment of the land and naval forces and militia, under provisions similar to those authorized by the 11th section of the act of the 9th of January, 1809.

This provision, however, would not shield the officers and citizens of the United States, acting under the laws, from suits and prosecutions, in the tribunals of the State, which might thereafter be brought against them; nor would it protect their property from the proceeding by distress; and it may well be apprehended that it would be insufficient to insure a proper respect to the process of the constitutional tribunals in prosecutions for offences against the United States, and to protect the authorities of the United States, whether judicial or ministerial, in the performance of their duties. It would, moreover, be inadequate to extend the protection due from the Government to that portion of the people of South Carolina, against outrage and oppression of any kind, who may manifest their attatchment, and yield obedience to the laws of the Union.

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the 6th section of the act of the 3d March, 1815, which expired on the 4th March, 1817, by the limitation of that of 27th April, 1816, and to provide that, in any case where suit shall be brought against any individual in the courts of the State, for any act done under the laws of the United States, he should be authorized to remove the said cause, by petition, into the circuit court of the United States, without any copy of the record, and that the court should proceed to hear and determine the same as if it had been originally instituted therein. And that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina, in pursuance thereof, redress may be sought in the courts of the United States. It may be expedient, also, by modifying the resolution of the 3d March, 1791, to authorize the marshals to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States.

Provisions less than these, consisting, as they do, for

the most part, rather of a revival of the policy of former acts called for by the existing emergency, than of the introduction of any unusual or rigorous enactments, would not cause the laws of the Union to be properly respected or enforced. It is believed these would prove adequate, unless the military forces of the State of South Carolina, authorized by the late act of the Legislature, should be actually embodied aud called out in aid of their proceedings, and of the provisions of the ordinance generally. Even in that case, however, it is believed that no more will be necessary than a few modifications of its terms, to adapt the act of 1795 to the present emergency, as, by that act, the provisions of the law of 1792, were accomodated to the crisis then existing; and by conferring authority upon the President to give it operation during the session of Congress, and without the ceremony of a proclamation, whenever it shall be officially made known to him by the authority of any State, or by the courts of the United States, that, within the limits of such State, the laws of the United States will be openly opposed, and their execution obstructed by the actual employment of military force, or by any unlawful means whatsoever, too great to be otherwise overcome.

In closing this communication, I should do injustice to my own feelings not to express my confident reliance upon the disposition of each department of the Government to perform its duty, and to co-operate in all measures necessary in the present emergency.

The crisis undoubtedly invokes the fidelity of the patriot and the sagacity of the statesman, not more in removing such portion of the public burden as may be necessary, than in preserving the good order of society, and in the maintenance of well regulated liberty.

While a forbearing spirit may, and I trust will, be exercised towards the errors of our brethren in a particular quarter, duty to the rest of the Union demands that open and organized resistance to the laws should not be executed with impunity.

The rich inheritance bequeathed to our fathers has devolved upon us the sacred obligation of preserving it by the same virtues which conducted them through the

eventful scenes of the revolution, and ultimately crowned their struggle with the noblest model of civil institutions. They bequeathed to us a Government of laws, and a federal Union founded upon the great principle of popular representation. After a successful experiment of forty-four years, at a moment when the Government and the Union are the objects of the hopes of the friends of civil liberty throughout the world, and in the midst of public and individual prosperity unexampled in history, we are called to decide whether these laws possess any force, and that Union the means of self-preservation. The decision of this question by an enlightened and patriotic people cannot be doubtful. For myself, fellow-citizens, devoutly relying upon that kind Providence which has hitherto watched over our destinies, and actuated by a profound reverence for those institutions I have so much cause to love, and for the American people, whose partiality honored me with their highest trust, I have determined to spare no effort to discharge the duty which, in this conjuncture, is devolved upon me. That a similar spirit will actuate the Representatives of the American people is not to be questioned; and I fervently pray that the Great Ruler of nations may so guide your deliberations, and our joint measures, as that they may prove salutary examples, not only to the present, but to future times; and solemnly proclaim that the Constitution and the laws are supreme, and the *Union indissoluble.*

INAUGURAL ADDRESS,

MARCH 4, 1833.

Fellow-Citizens—The will of the American people, expressed through their unsolicited suffrages, calls me before you to pass through the solemnities preparatory to taking upon myself the duties of President of the United States for another term. For their approbation of my public conduct, through a period which has not been without its difficulties, and for this renewed expression of their confidence in my good intentions, I am at a loss for terms adequate to the expression of my gratitude. It shall be displayed, to the extent of my humble abilities, in continued efforts so to administer the Government, as to preserve their liberty and promote their happiness.

So many events have occurred within the last four years, which have necessarily called forth, sometimes under circumstauces the most delicate and painful, my views of the principles and policy which ought to be pursued by the general Government, that I need on this occasion, but allude to a few leading considerations, connected with some of them.

The foreign policy adopted by our Government soon after the formation of our present Constitution, and very generally pursued by successive administrations, has been crowned with almost complete success, and has elevated

our character among the nations of the earth. To do justice to all, and submit to wrong from none, has been, during my administration, its governing maxim; and so happy has been its results, that we are not only at peace with all the world, but have few causes of controversy; and those of minor importance, remaining unadjusted.

In the domestic policy of this Government, there are two objects which especially deserve the attention of the people and their Representatives, and which have been, and will continue to be, the subjects of my unceasing solicitude. They are, the preservation of the rights of the States, and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere, in conformity to the public will constitutionally expressed. To this end, it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States, which the people themselves have ordained for their own government.

My experience in public concerns, and the observation of a life somewhat advanced, confirm the opinions long since imbibed by me, that the destruction of our State Governments, or the annihilation of their control over the local concerns of the people, would lead directly to revolution and anarchy, and finally to despotism and military domination. In proportion, therefore, as the General Government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfil the purposes of its creation. Solemnly impressed with these considerations, my countrymen will ever find me ready to exercise my constitutional powers in arresting measures which may directly or indirectly encroach upon the rights of the States, or tend to consolidate all political power in the General Government. But of equal, and indeed of incalculable importance, is the Union of these States, and the sacred duty of all to contribute to its preservation by a liberal support of the General Government in the exercise of its

just powers. You have been wisely admonished to "accustom yourselves to think and speak of the Union as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." Without union our independence and liberty would never have been achieved—without union they never can be maintained. Divided in twenty-four, or even a smaller number of separate communities, we shall see our internal trade burdened with numberless restraints and exactions; communication between distant points and sections obstructed, or cut off; our sons made soldiers to deluge with blood the fields they now till in peace; the mass of our people borne down and impoverished by taxes to suppprt armies and navies; and military leaders at the head of their victorious legions becoming our lawgivers and judges. The loss of liberty, of all good government, of peace, plenty, and happiness must inevitably follow a dissolution of the Union. In supporting it, therefore, we support all that is dear to the freeman and the philanthropist.

The time at which I stand before you is full of interest. The eyes of all nations are fixed on our republic. The event of the existing crisis will be decisive in the opinion of mankind of the practicability of our federal system of Government. Great is the stake placed in our hands: great is the responsibility which must rest upon the people of the United States. Let us realize the importance of the attitude in which we stand before the world. Let us exercise forbearance and firmness. Let us extricate our country from the dangers which surround it, and learn wisdom from the lessons they inculcate.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1833.

Fellow-Citizens of the Senate and House of Representatives;

On your assembling to perform the high trusts which the people of the United States have confided to you, of legislating for their common welfare, it gives me pleasure to congratulate you upon the happy condition of our beloved country. By the favor of Divine Providence, health is again restored to us: peace reigns within our borders: abundance crowns the labors of our fields: commerce and domestic industry flourish and increase: and individual happiness rewards the private virtue and enterprise of our citizens.

Our condition abroad is no less honorable than it is prosperous at home. Seeking nothing that is not right, and determined to submit to nothing that is wrong, but desiring honest friendships and liberal intercourse with all nations, the United States have gained throughout the world the confidence and respect which are due to a policy so just, and so congenial to the character of the American people, and to the spirit of their institutions.

In bringing to your notice the particular state of our foreign affairs, it affords me high gratification to inform you that they are in a condition which promises the continuance of friendship with all nations.

With Great Britain, the interesting question of our North-eastern boundary remains still undecided. A negotiation, however, upon that subject, has been renewed since the close of the last Congress, and a proposition has been submitted to the British Government, with the view of establishing, in conformity with the resolution of the Senate, the line designated by the treaty of 1783. Though no definitive answer has been received, it may be daily looked for, and I entertain a hope that the overture may ultimamtely lead to a satisfactory adjustment of this important matter.

I have the satisfaction to inform you that a negotiation which, by desire of the House of Representatives, was opened, some years ago, with the British Govenment for the erection of light-houses on the Bahamas, has been successful. Those works, when completed, together with those which the United States have constructed on the western side of the Gulf of Florida, will contribute essentially to the safety of navigation in that sea. This joint participation in establishments interesting to humanity and beneficial to commerce, is worthy of two enlightened nations, and indicates feelings which cannot fail to have a happy influence upon their political relations. It is gratifying to the friends of both to perceive that the intercourse between the two people is becoming daily more extensive, and that sentiments of mutual good will have grown up, befitting their common origin, justifying the hope that, by wise counsels on each side, not only unsettled questions may be satisfactorily terminated, but new causes of misunderstanding prevented.

Notwithstanding that I continue to receive the most amicable assurances from the Government of France, and that in all other respects the most friendly relations exist between the United States and that Government, it is to be regretted that the stipulations of the convention concluded on the 4th of July, 1831, remain, in some important parts, unfulfilled.

By the second article of that convention, it was stipulated that the sum payable to the United States should be paid at Paris, in six annual instalments, into the hands of such person or persons as should be authorized by the

Government of the United States to receive it; and by the same article the first instalment was payable on the second day of February, 1833. By the act of Congress of the 13th July, 1832, it was made the duty of the Secretary of the Treasury to cause the several instalments, with the interest thereon, to be received from the French Government, and transferred to the United States, in such manner as he may deem best; and by the same act of Congress, the stipulations on the part of the United States, in the convention, were, in all respects, fulfilled. Not doubting that a treaty thus made and ratified by the two Governments, and faithfully executed by the United States, would be promptly complied with by the other party, and desiring to avoid the risk and expense of intermediate agencies, the Secretary of the Treasury deemed it advisable to receive and transfer the first instalment by means of a draft upon the French Minister of Finance. A draft for this purpose was accordingly drawn in favor of the Cashier of the Bank of the United States, for the amount accruing to the United States out of the first instalment, and the interest payable with it. This bill was not drawn at Washington until five days after the instalment was payable at Paris, and was accompanied by a special authority from the President, authorizing the Cashier, or his assigns, to receive the amount. The mode thus adopted of receiving the instalment, was officially made known to the French Government by the American charge d'Affaires at Paris, pursuant to instructions from the Department of State. The bill, however, though not presented for payment until the 23d day of March, was not paid, and for the reason assigned by the French Minister of Finance, that no appropriation had been made by the French Chambers. It is not known to me that, up to that period, any appropriation had been required of the Chambers; and although a communication was subsequently made to the Chambers by direction of the King, recommending that the necessary provision should be made for carrying the convention into effect, it was at an advanced period of the session, and the subject was finally postponed until the next meeting of the Chambers.

Notwithstanding it has been supposed by the French ministry that the financial stipulation of the treaty cannot be carried into effect without an appropriation by the Chambers, it appears to me to be not only consistent with the character of France, but due to the character of both Governments, as well as to the rights of our citizens, to treat the convention, made and ratified in proper form, as pledging the good faith of the French Government for its execution, and as imposing upon each department an obligation to fulfil it; and I have received assurances through our charge d'Affaires at Paris, and the French minister plenipotentiary at Washington, and more recently through the minister of the United States at Paris, that the delay has not proceeded from any indisposition on the part of the King and ministers to fulfil the treaty, and that measures will be presented at the next meeting of the Chambers, and with a reasonable hope of success, to obtain the necessary appropriation.

It is necessary to state, however, that the documents, except certain lists of vessels captured, condemned, or burnt at sea, proper to facilitate the examination and liquidation of the reclamations comprised in the stipulations of the convention, and which, by the sixth article, France engaged to communicate to the United States by the intermediary of the Legation, though repeatedly applied for by the American charge d'Affaires, under instructions from this Government, have not yet been communicated; and this delay, it is apprehended, will necessarily prevent the completion of the duties assigned to the commissioners within the time at present prescribed by law.

The reasons for delaying to communicate these documents have not been explicitly stated, and this is the more to be regretted, as it is not understood that the interposition of the Chambers is in any manner required for the delivery of those papers.

Under these circumstances, in a case so important to the interests of our citizens and to the character of our country, and under disappointments so unexpected, I deemed it my duty, however I might respect the general assurances to which I have adverted, no longer to delay

the appointment of a minister plenipotentiary to Paris, but to despatch him in season to communicate the result of his application to the French Government at an early period of your session. I accordingly appointed a distinguished citizen for this purpose, who proceeded on his mission in August last, and was presented to the King early in the month of October. He is particularly instructed as to all matters connected with the present posture of affairs; and I indulge the hope that, with the representations he is instructed to make, and from the disposition manifested by the King and his ministers, in their recent assurances to our minister at Paris, the subject will be early considered and satisfactorily disposed of at the next meeting of the Chambers.

As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition; and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require.

The friendly relations which have always been maintained between the United States and Russia, have been further extended and strengthened by the treaty of navigation and commerce, concluded on the 6th of December last, and sanctioned by the Senate before the close of its last session. The ratifications having been since exchanged, the liberal provisions of the treaty are now in full force; and, under the encouragement which they have received, a flourishing and increasing commerce, yielding its benefits to the enterprise of both nations, affords to each the just recompense of wise measures, and adds new motives for that mutual friendship which the two countries have hitherto cherished towards each other.

It affords me peculiar satisfaction to state that the Government of Spain has at length yielded to the justice of the clims which have been so long urged in behalf of our citizens, and has expressed a willingness to provide an indemnification as soon as the proper amount can be agreed upon. Upon this latter point, it is probable an understanding had taken place between the minister of the Uni-

ted States and the Spanish Government before the decease of the late King of Spain; and, unless that event may have delayed its completion, there is reason to hope that it may be in my power to announce to you, early in your present session, the conclusion of a convention upon terms not less favorable than those entered into for similar objects with other nations. That act of justice would well accord with the character of Spain, and is due to the United States from their ancient friend. It could not fail to strengthen the sentiments of amity and good will between the two nations which it is so much the wish of the United States to cherish, and so truly the interest of both to maintain.

By the first section of an act of Congress passed on the 13th of July, 1832, the tonnage duty on Spanish ships arriving from the ports of Spain, was limited to the duty payable on American vessels in the ports of Spain, previous to the 20th October, 1817, being five cents per ton. That act was intended to give effect, on our side, to an arrangement made with the Spanish Government, by which discriminating duties of tonnage were to be abolished in the ports of the United States and Spain, on the vessels of the two nations. Pursuant to that arrangement, which was carried into effect on the part of Spain, on the 20th of May, 1832, by a royal order dated the 29th April, 1832, American vessels in the ports of Spain have paid five cents per ton, which rate of duty is also paid in those ports by Spanish ships; but, as American vessels pay no tonnage duty in the ports of the United States, the duty of five cents payable in our ports by Spanish vessels, under the act above mentioned, is really a discriminating duty operating to the disadvantage of Spain. Though no complaint has yet been made on the part of Spain, we are not the less bound by the obligations of good faith to remove the discrimination; and I recommend that the act be amended accordingly. As the royal order, above alluded to, includes the ports of the Balearic and Canary Islands, as well as those of Spain, it would seem that the provisions of the act of Congress should be equally extensive; and that, for the repayment of such duties as may have been improperly received, an addition

should be made to the sum appropriated at the last session of Congress for refunding discriminating duties.

As the arrangement referred to, however, did not embrace the Islands of Cuba and Porto Rico, discriminating duties, to the prejudice of American shipping, continue to be levied there. From the extent of the commerce carried on between the United States and those Islands, particularly the former, this dicrimination causes serious injury to one of those great national interests which it has been considered an essential part of our policy to cherish, and has given rise to complaints on the part of our merchants. Under instructions given to our minister at Madrid, earnest representations have been made by him to the Spanish Government upon this subject, and there is reason to expect, from the friendly disposition which is entertained towards this country, that a beneficial change will be produced. The disadvantage, however, to which our shipping is subjected by the operation of these discriminating duties, requires that they be met by suitable countervailing duties during your present session—power being at the same time vested in the President to modify or discontinue them as the discriminating duties on American vessels or their cargoes may be modified or discontinued at those Islands. Intimations have been given to the Spanish Government, that the United States may be obliged to resort to such measures as are of necessary self-defence; and there is no reason to apprehend that it would be unfavorably received. The proposed proceedings, if adopted, would not be permitted, however, in any degree to induce a relaxation in the efforts of our minister to effect a repeal of this irregularity, by friendly negotiation; and it might serve to give force to his representations, by showing the dangers to which that valuable trade is exposed by the obstructions and burdens which a system of discriminating and countervailing duties necessarily produces.

The selection and preparation of the Florida archives for the purpose of being delivered over to the United States, in conformity with the royal order, as mentioned in my last annual message, though in progress, has not yet been completed. That delay has been produced, part-

ly by causes which were unavoidable, particularly the prevalence of the cholera at Havanna; but measures have been taken which it is believed will expedite the delivery of those important records.

Congress were informed at the opening of the last session, that, "owing, as was alleged, to embarrassments in the finances of Portugal consequent upon the civil war in which that nation was engaged," payment had been made of only one instalment of the amount which the Portuguese Government had stipulated to pay for indemnifying our citizens for property illegally captured in the blockade of Terceira. Since that time, a postponement for two years, with interest, of the two remaining instalments was requested by the Portuguese Government; and as a consideration, it offered to stipulate that rice of the United States should be admitted into Portugal at the same duties as Brazilian rice. Being satisfied that no better arrangement could be made, my consent was given; and a royal order of the King of Portugal was accordingly issued on the 4th of February last, for the reduction of the duty on rice of the United States. It would give me great pleasure, if, in speaking of that country, in whose prosperity the United States are so much interested, and with whom a long subsisting, extensive and mutually advantageous commercial intercourse has strengthened the relation of friendship, I could announce to you the restoration of its internal tranquility.

Subsequently to the commencement of the last session of Congress, the final instalment payable by Denmark under the convention of the 28th day of March, 1830, was received. The commissioners for examining the claims have since terminated their labors, and their awards have been paid at the Treasury as they have been called for. The justice rendered to our citizens by that Government is thus completed, and a pledge is thereby offered for the maintenance of that friendly intercourse becoming the relations that two nations mutually bear to each other.

It is satisfactory to inform you that the Danish Government have recently issued an ordinance by which the commerce with the island of St. Croix is placed on a more liberal footing than heretofore. This cannot fail to prove

beneficial to the trade between the United States and that colony; and the advantages likely to flow from it may lead to greater relaxations in the colonial systems of other nations.

The ratifications of the convention with the King of the two Sicilies have been duly exchanged, and the Commissioners appointed for examining the claims under it, have entered upon the duties asigned to them by law. The friendship that the interests of the two nations require of them, being now established, it may be hoped that each will enjoy the benefits which a liberal commerce should yield to both.

A treaty of amity and commerce between the United States and Belgium was concluded during the last winter, and received the sanction of the Senate; but the exchange of the ratifications has been hitherto delayed, in consequence, in the first instance, of some delay in the reception of the treaty at Brussels, and, subsequently, of the absence of the Belgian Minister of Foreign Affairs, at the important conferences in which his Government is engaged at London. That treaty does but embody those enlarged principles of friendly policy which, it is sincerely hoped, will always regulate the conduct of the two nations, having such motives to maintain amicable relations towards each other, and so sincerely desirous to cherish them.

With all the other European Powers with whom the United States have formed diplomatic relations, and with the Sublime Porte, the best understanding prevails. From all, I continue to receive assurances of good will towsrds the United States—assurances which it gives me no less pleasure to reciprocate than to receive. With all, the engagements which have been entered into, are fulfilled with good faith on both sides. Measures have also been taken to enlarge our friendly relations and extend our commercial intercourse with other States. The system we have pursued of aiming at no exclusive advantages, of dealing with all on terms of fair and equal reciprocity, and of adhering scrupulously to all our engagements, is well calculated to give success to efforts intended to be mutually beneficial.

The wars, of which the Southern part of this continent

was so long the theatre, and which were carried on either by the mother country against the States which had formerly been her colonies, or by the States against each other, having terminated, and their civil dissensions having so far subsided, as, with few exceptions, no longer to disturb the public tranquillity, it is earnestly hoped those States will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting, by wise counsels and able exertions, the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those States our relations have undergone but little change during the present year. No reunion having yet taken place between the States which composed the Republic of Columbia, our charge d'Affaires at Bogota has been accredited to the Government of New Grenada, and we have therefore no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Columbian Republic. It is understood that representatives from the three States were about to assemble at Bogota, to confer on the subject of their mutual interest, particularly that of their union; and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connexions which it has been the constant desire of the United States to cultivate with their sister republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the Republic of Columbia, or either of the States which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the charge d'Affairs appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations, so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gatifying to state that, since my last annual message, some of the most important claims of our fellow-citizens upon the Government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen; and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret, that, owing probably to the civil dissensions which have occupied the attention of the Mexican Government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations, has been suffered to expire without the appointment of any commissioners on the part of that Government. While the true boundary remains in doubt by either party, it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili, and approved by the Senate at its last session, was also ratified by the Chilian Government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both Governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic, relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands, by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the charge d'Affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but, though daily expected, he has not yet arrived in this country.

With Peru no treaty has yet been formed, and with Bolivia no diplomatic intercourse has yet been established. It will be my endeavor to encourage those sentiments of amity and that liberal commerce which belong to the relations in which all the independent States of this continent stand towards each other.

I deem it proper to recommend to your notice the revision of our consular system. This has become an important branch of the public service, inasmuch as it is intimately connected with the preservation of our national character abroad, with the interest of our citizens in foreign countries, with the regulations and care of our commerce, and with the protection of our seamen. At the close of the last session of Congress I communicated a report from the Secretary of State upon the subject, to which I now refer, as containing information which may be useful in any inquiries that Congress may see fit to institute with a view to a salutary reform of the system.

It gives me great pleasure to congratulate you upon the prosperous condition of the finances of the country, as will appear from the report which the Secretary of the Treasury will, in due time, lay before you. The receipts into the Treasury during the present year will amount to more than thirty-two million of dollars. The revenue derived from customs will, it is believed, be more than twenty-eight millions, and the public lands will yield about three millions. The expenditures within the year, for all objects, including two million five hundred and seventy-two thousand two hundred and forty dollars and ninety-nine cents on account of the public debt, will not amount to twenty-five millions, and a large balance will remain in the Treasury after satisfying all the appropriations chargeable on the revenue for the present year.

The measures taken by the Secretary of the Treasury will probably enable him to pay off, in the course of the present year, the residue of the exchanged four and a half per cent. stock, redeemable on the first day of January next; it has, therefore, been included in the estimated expenditures of this year, and forms a part of the sum above stated to have been paid on account of the

public debt: the payment of this stock will reduce the whole debt of the United States, funded and unfunded, to the sum of $4,760,082 08; and, as provision has already been made for the four and a half per cent. above mentioned, and charged in the expenses of the present year, the sum last stated is all that now remains of the national debt; and the revenue of the coming year, together with the balance now in the Treasury, will be sufficient to discharge it, after meeting the current expenses of the Government. Under the power given to the commissioners of the Sinking Fund, it will, I have no doubt, be purchased on favorable terms within the year.

From this view of the state of the finances, and the public engagements yet to be fulfilled, you will perceive that, if Providence permits me to meet you at another session, I shall have the high gratification of announcing to you that the national debt is extinguished. I cannot refrain from expressing the pleasure I feel at the near approach of that desirable event. The short period of time within which the public debt will have been discharged, is strong evidence of the abundant resources of the country, and of the prudence and economy with which the Government has heretofore been administered We have waged two wars since we became a nation, with one of the most powerful kingdoms in the world; both of them undertaken in defence of our dearest rights—both successfully prosecuted and honorably terminated; and many of those who partook in the first struggle, as well as the second, will have lived to see the last item of the debt incurred in these necessary but expensive conflicts, faithfully and honestly discharged; and we shall have the proud satisfaction of bequeathing to the public servants who follow us in the administration of the Government, the rare blessing of a revenue sufficiently abundant, raised without injustice or oppression to our citizens, and unincumbered with any burdens but what they themselves shall think proper to impose upon it.

The flourishing state of the finances ought not, however, to encourage us to indulge in a lavish expenditure of the public treasure. The receipts of the present year do not furnish the test by which we are to estimate the in-

come of the next. The changes made in our revenue system by the acts of Congress of 1832 and 1833, and more especially by the former, have swelled the receipts of the present year far beyond the amount to be expected in future years upon the reduced tariff of duties. The shortened credits on revenue bonds, and the cash duties on woollens, which were introduced by the act of 1832, and took effect on the 4th of March last, have brought large sums into the Treasury in 1833, which, according to the credits formerly given, would not have been payable until 1834, and would have formed a part of the income of that year. These causes would of themselves produce a great diminution of the receipts in the year 1834, as compared with the present one, and they will be still more diminished by the reduced rates of duties which take place on the 1st of January next, on some of the most important and productive articles. Upon the best estimates that can be made, the receipts of the next year, with the aid of the unappropriated amount now in the Treasury, will not be much more than sufficient to meet the expenses of the year, and pay the small remnant of the national debt which yet remains unsatisfied. I cannot, therefore, recommend to you any alteration in the present tariff of duties. The rate as now fixed by law on the various articles, was adopted at the last session of Congress as a matter of compromise, with unusual unanimity; and unless it is found to produce more than the necessities of the Government call for, there would seem to be no reason at this time to justify a change.

But, while I forbear to recommend any further reduction of the duties, beyond that already provided for by the existing laws, I must earnestly and respectfully press upon Congress the importance of abstaining from all appropriations which are not absolutely required for the public interests, and authorized by the powers clearly delegated to the United States. We are beginning a new era in our Government. The national debt, which has so long been a burden on the Treasury, will be finally discharged in the course of the ensuing year. No more money will afterwards be needed than what may be necessary to meet the ordinary expenses of the Govern-

ment. Now then is the proper moment to fix our system of expenditure on firm and durable principles: and I cannot too strongly urge the necessity of a rigid economy, and an inflexible determination not to enlarge the income beyond the real necessities of the Government, and not to increase the wants of the Government by unnecessary and profuse expenditures. If a contrary course should be pursued, it may happen that the revenue of 1834 will fall short of the demands upon it: and after reducing the tariff in order to lighten the burdens of the people, and providing for a still further reduction to take effect hereafter, it would be much to be deplored if, at the end of another year, we should find ourselves obliged to retrace our steps, and impose additional taxes to meet unnecessary expenditures.

It is my duty, on this occasion, to call your attention to the destruction of the public building occupied by the Treasury Department, which happened since the last adjournment of Congress. A thorough inquiry into the causes of this loss was directed and made at the time, the result of which will be duly communicated to you. I take pleasure, however, in stating here, that, by the laudible exertions of the officers of the department and many of the citizens of the District, but few papers were lost, and none that will materially affect the public interest.

The public convenience requires that another building should be erected as soon as practicable; and, in providing for it, it will be advisable to enlarge, in some manner, the accommodations for the public officers of the several departments, and to authorize the erection of suitable depositories for the safe keeping of the public documents and records.

Since the last adjournment of Congress, the Secretary of the Treasury has directed the money of the United States to be deposited in certain State banks, designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject; and, some months before the removal, I urged upon the department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the con-

duct of the bank, appeared to me to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at that time fully developed by proof. It was not until late in the month of August that I received from the Government directors an official report, establishing beyond question, that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers, by means of its money; and that, in violation of the express provisions of its charter, it had, by a formal resolution, placed its funds at the disposition of its president, to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the Government directors, before referred to; and, however the objects may be disguised by cautious language, no one can doubt that this money was in truth intended for electioneering purposes, and the particular uses to which it is proved to have been applied, abundantly show that it was so understood. Not only was the evidence complete, as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the Board of Directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the Executive Department of the Government ought to pursue was not doubtful. As, by the terms of the bank charter, no officer but the Secretary of the Treasury could remove the Deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such a use of its funds and such an exertion of its power. In this point of the case, the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiassed suffrages, or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and

control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.

At this time the efforts of the bank to control public opinion through the distresses of some, and the fears of others, are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while, through presses known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the efforts to get up a panic has hitherto failed, and that, through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank; and it cannot be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on, by the facts disclosed, to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and iuformed them that such measures as were within the reach of the Secretary of the Treasury, had been taken to enable him to judge whether the public deposites in the Bank of the United States were entirely safe; but that as his single powers

might be inadequate to the object, I recommended the subject to Congress, as worthy of their serious investigation: declaring it as my opinion that an inquiry into the transactions of that institution, embracing the branches as well as the principal bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination, thus recommended, was gone into, is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the Committee of Ways and Means, touching certain specified points only, concluding with a resolution that the Government deposites might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session, by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the views of the public interest, or the duties of its agents, which may be taken by the other departments of the Government, or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source; and in respect to none am I more inclined to do so, than to the House of Representatives. But it will be seen, from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the Secretary of the Treasury, that the change in the deposites which has been ordered has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that department, rendered its act a matter of imperious duty.

Coming as you do, for the most part, immediately from the people and the States, by election, and posessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all

act, to decide whether the Executive Department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the Secretary of War, with the documents annexed to it, exhibit the operations of the War Department for the past year, and the condition of the various subjects entrusted to its administration.

It will be seen from them that the army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties, which upon the seaboard and the inland frontier devolve upon it in time of peace. The system, so wisely adopted and so long pursued, of constructing fortifications at exposed points, and of preparing and collecting the supplies necessary for the military defence of the country, and thus providentially furnishing in peace the means of defence in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the Secretary of War. Their adoption would promote the public service, and meliorate the condition of the army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sacs and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States, and for the migration of the occupants to the region assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river, and for the termination of many difficult and embarrassing questions arising out of their anomalous political condition. It is to be hoped that those portions of two of the Southern tribes, which in that event will present the only remaining difficulties, will realize the necessity of emigration, and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for sev-

was so long the theatre, and which were carried on either by the mother country against the States which had formerly been her colonies, or by the States against each other, having terminated, and their civil dissensions having so far subsided, as, with few exceptions, no longer to disturb the public tranquillity, it is earnestly hoped those States will be able to employ themselves without interruption in perfecting their institutions, cultivating the arts of peace, and promoting, by wise counsels and able exertions, the public and private prosperity which their patriotic struggles so well entitle them to enjoy.

With those States our relations have undergone but little change during the present year. No reunion having yet taken place between the States which composed the Republic of Columbia, our charge d'Affaires at Bogota has been accredited to the Government of New Grenada, and we have therefore no diplomatic relations with Venezuela and Equator, except as they may be included in those heretofore formed with the Columbian Republic. It is understood that representatives from the three States were about to assemble at Bogota, to confer on the subject of their mutual interest, particularly that of their union; and if the result should render it necessary, measures will be taken on our part to preserve with each that friendship and those liberal commercial connexions which it has been the constant desire of the United States to cultivate with their sister republics of this hemisphere. Until the important question of reunion shall be settled, however, the different matters which have been under discussion between the United States and the Republic of Columbia, or either of the States which composed it, are not likely to be brought to a satisfactory issue.

In consequence of the illness of the charge d'Affairs appointed to Central America at the last session of Congress, he was prevented from proceeding on his mission until the month of October. It is hoped, however, that he is by this time at his post, and that the official intercourse, unfortunately so long interrupted, has been thus renewed on the part of the two nations, so amicably and advantageously connected by engagements founded on the most enlarged principles of commercial reciprocity.

It is gatifying to state that, since my last annual message, some of the most important claims of our fellow-citizens upon the Government of Brazil have been satisfactorily adjusted, and a reliance is placed on the friendly dispositions manifested by it that justice will also be done in others. No new causes of complaint have arisen; and the trade between the two countries flourishes under the encouragement secured to it by the liberal provisions of the treaty.

It is cause of regret, that, owing probably to the civil dissensions which have occupied the attention of the Mexican Government, the time fixed by the treaty of limits with the United States for the meeting of the commissioners to define the boundaries between the two nations, has been suffered to expire without the appointment of any commissioners on the part of that Government. While the true boundary remains in doubt by either party, it is difficult to give effect to those measures which are necessary to the protection and quiet of our numerous citizens residing near that frontier. The subject is one of great solicitude to the United States, and will not fail to receive my earnest attention.

The treaty concluded with Chili, and approved by the Senate at its last session, was also ratified by the Chilian Government, but with certain additional and explanatory articles of a nature to have required it to be again submitted to the Senate. The time limited for the exchange of the ratifications, however, having since expired, the action of both Governments on the treaty will again become necessary.

The negotiations commenced with the Argentine Republic, relative to the outrages committed on our vessels engaged in the fisheries at the Falkland Islands, by persons acting under the color of its authority, as well as the other matters in controversy between the two Governments, have been suspended by the departure of the charge d'Affaires of the United States from Buenos Ayres. It is understood, however, that a minister was subsequently appointed by that Government to renew the negotiation in the United States, but, though daily expected, he has not yet arrived in this country.

utility of this department. The details are exhibited in the accompanying report of the Postmaster General.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power, deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing, notwithstanding the great improvements which are every where made in the machinery employed, and in the rapid advances which have been made in that branch of science, show very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated, and to whose care and attention the lives and property of our citizens are so extensively entrusted.

That these evils may be greatly lessened, if not substantially removed, by means of precautionary and penal legislation, seems to be highly probable; so far, therefore, as the subject can be regarded as within the constitutional purview of Congress, I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the Constitution in relation to the mode of electing the President and Vice President of the United States. Regarding it as all-important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed, and that their eligibility should be limited to one term of either four or six years, I cannot too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you, in conclusion, the co-operation which it may be in my power to afford them.

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1834.

Fellow-Citizens of the Senate and House of Representatives:

In performing my duty at the opening of your present session, it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that, in surveying a scene so flattering to our free institutions, our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the es-

tablishment of a line according to the treaty of 1783, has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interrested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark, the best understanding exists. Commerce, with all, is fostered and protected by reciprocal good will, under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties, the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances, and to the wise counsels of time and experience, that Power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that, in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language, the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties, and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties to the prejudice of our navigation, levied in Cuba and Porto Rico, has been transmitted to the minister of the United States at Madrid, to be communicated to the government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with

the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havanna, to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending, to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long subsisting friendship with that Power affords the strongest guaranty that the balance due will receive prompt attention.

The first instalment due under the convention of indemnity with the King of the two Sicilies, bas been duly received, and an offer has been made to extinguish the whole by a prompt payment—an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims, and the anxiety displayed to fulfil at once the stipulations made for the payment of them, are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive Power, temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances cannot fail to exalt its character for justice and good faith in the eyes of all nations.

The treaty of amity and commerce between the United States and Belgium, brought to your notice in my last annual message, as sanctioned by the Senate, but the ratifications of which had not been exchanged, owing to a delay in its reception at Brussels, and a subsequent absence of the Belgian Minister of Foreign Affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This

disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions, on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce, and satisfactory in every respect to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul, and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these Powers, the Emperor of Morocco, was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction, as its stipulations are just and liberal, and have been with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissentions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the Governments of most of the nations of this hemisphere, which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgement of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice, and their devotion to those peaceful arts, the assiduous cultivation of which confers honor upon nations, and gives value to human life. In the mean time, I confidently hope that the apprehensions entertained that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of pur-

chasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power, will not be realized. With all these Governments, and with that of Brazil, no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States—sometimes from the irregular action of the constituted subordinate authorities of the maritime regions, and sometimes from the leaders or partisans of those in arms against the established Governments. In all cases, representations have been, or will be, made; and so soon as their political affairs are in a settled position, it is expected that our friendly remonstrances will be followed by adequate redress.

The Government of Mexico made known, in December last, the appointment of commissioners and a surveyor, on its part, to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated —the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our charge d'Affairs was instructed, in January last, to negotiate, at Mexico, an article additional to the pre-existing treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received, that additional article to the treaty will be obtained, and transmitted to this country, as soon as it can receive the ratification of the Mexican Congress.

The re-union of the three States of New Grenada, Venezuela, and Equador, forming the Republic of Columbia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one Government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose, at an early day, to submit, in the proper form, the appointment of a diplomatic agent to Vene-

zuela; the importance of the commerce of that country to the United States, and the large claims of our citizens upon the Government, arising before and since the division of Columbia, rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil, are either at, or on their way to, their respective posts.

From the Argentine Republic, from which a minister was expected to this Government, nothing further has been heard. Occasion has been taken, on the departure of a new consul to Buenos Ayres, to remind that Government that its long delayed minister, whose appointment has been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation, than are those of the United States with their ancient ally and friend. This disposition is founded, as well on the most grateful and honorable recollections associated with our struggle for independence, as upon a well grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see, without the deepest regret, even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated, if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and forbearing, as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverence, on the part of the French Government, in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce, committed by authority

of the existing Government of France, between the years 1800 and 1817, has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has, for many years, been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not, to a very considerable extent, admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestible validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made, would have been effected, had not the revolution, by which the negotiation was cut off, taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject, a treaty between the two Governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the United States, who shall distribute it among those entitled, in the manner and according to the rules it shall

determine;" and it was also stipulated, on the part of the French Government, that this twenty-five millions of francs should "be paid at Paris in six annual instalments of four million one hundred and sixty-six thousand six hundred and sixty-six francs and sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The first instalment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said instalments shall be added interest at four per centum thereupon, as upon the other instalments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated, on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France on behalf of its citizens, that the sum of one million five hundred thousand francs should be paid to the Government of France, in six annual instalments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratification. In addition to this stipulation, important advantages were secured to France by the following articles, viz. "The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union, at duties which shall not exceed the following rates by the gallon, (such as is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the 1st of January, 1829, shall be maintained in case the Government of the United States should think proper to diminish those general rates in a new tariff.

"In consideration of this stipulation, which shall be

binding on the United States for ten years, the French Government abandons the reclamation which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on *short staple* cottons."

This treaty was duly ratified in the manner prescribed by the Constitution of both Countries, and the ratification was exchanged at the city of Washington on the 2d of February, 1832. On account of its commercial stipulations, it was, within five days thereafter, laid before the Congress of the United States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution; and France has, from that period to the present, been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged, through its constitutional organ, for the liquidation and ultimate payment of the long deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done every thing that was necessary to carry the treaty into full and fair effect on their part, counted, with the most perfect confidence, on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnities to be paid, or the commercial benefits to be secured to the United States, and the relations between the United States and that Power, in consequence thereof, are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus want-

ing in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratification reached Paris prior to the 8th of April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month; and although one instalment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and, in consequence of no appropriation having then been made, the draft of the United States Government for that instalment was dishonored by the Minister of Finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th of November, 1832, and continued until the 25th of April, 1833. Notwithstanding the omission to pay the first instalment had been made the subject of earnest remonstrance on our part, the treaty with the United States, and a bill making the necessary appropriations to execute it, were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read, and referred to a committee, but there was no further action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 26th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected, are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably great-

er than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown, to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of damages, and interest for the detention. That the settlement involved a sacrifice in this respect, was well known at the time—a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required, from a sincere desire to avoid further collision upon this old and disturbing subject, and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about the 15th day of May last, might have been considered the final determination of the French Government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts to Congress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation, were conveyed the regrets of the King, and a declaration that a national vessel should be forthwith sent out, with instructions to the French minister to give the most ample explanations of the past, and the strongest assurances for the future. After a long passage, the promised despatch vessel arrived. The pledges given by the French minister, upon receipt of his instructions, were, that as soon after the election of the new members as the charter would permit, the Legislative Chambers of France should be called together, and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his Cabinet should be exerted to accomplish the object; and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his Cabinet, and, above

all, that sacred regard for the national faith and honor for which the French character has been so distinguished, would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his Cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked, had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay, our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances, on the part of the Executive Government of France, of their intention to press the appropriation at the ensuing session of the Chambers.

The Executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government; and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will, at this session, probably be required at your hands. But if, from the original delay in asking for an appropriation; from the refusal of the Chambers to grant it when asked; from the omission to bring the subject before the Chambers at their last session; from the fact that, including that session, there have been five different occasions when the appropriation might have been made; and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government in all its branches to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises, what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured, by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity, in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France, by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage, may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful, and, to my mind, conclusive objections to this mode of proceeding. We cannot embarrass or cut off the trade of France, without, at the same time, in some degree, embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government, and weak-

en the united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France, the clear perception of right which will induce our own people, and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just, will be obscured, and the support rendered to us, in a final resort to more decisive measures, will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money, which she has acknowledged to be due; and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered, and that not the slightest pretence should be given to France to persist in her refusal to make payment, by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that, when France fulfils her treaty stipulations, all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and, in case it be refused, or longer delayed, take redress into their own hands. After the delay, on the part of France, of a quarter of a century, in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeat-

edly resorted to, and recently by France herself towards Portugal, under circumstances less unquestionable.

The time at which resort should be had to this, or any other mode of redress, is a point to be decided by Congress. If any appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking, and refuse to pay an acknowledged debt. In that event, every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property, in case provisions shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect any thing from her fears, and preclude the necessity of the declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights. That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands, and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice, and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the

just censure of civilized nations, and to the retributive judgments of Heaven.

Collision with France is the more to be regretted, on account of the position she occupies in Europe in relation to liberal institutions. But, in maintaining our national rights and honor, all Governments are alike to us. If, by a collision with France, in a case where she is clearly in the wrong, the march of liberal principles shall be impeded, the responsibility for that result, as well as every other, will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do.

According to the estimates of the Treasury Department, the revenue accruing from all sources, during the present year, will amount to twenty million six hundred and twenty-four thousand seven hundred and seventeen dollars, which, with the balance remaining in the Treasury on the 1st of January last, of eleven million seven hundred and two thousand nine hundred and five dollars, produces an aggregate of thirty-two million three hundred and twenty-seven thousand six hundred and twenty-three dollars. The total expenditure during the year for all objects, including the public debt, is estimated at twenty-five million five hundred and ninety-one thousand three hundred and ninety dollars, which will leave a balance in the Treasury on the 1st of January, 1835, of six million seven hundred and thirty-six thousand two hundred and thirty-two dollars. In this balance, however, will be included about one million one hundred and fifty thousand dollars of what was heretofore reported by the department as not effective.

Of former appropriations, it is estimated that there will remain unexpended at the close of the year, eight million two thousand nine hundred and twenty-five dollars, and that of this sum there will not be required more

than five million one hundred and forty-one thousand nine hundred and sixty-four dollars, to accomplish the objects of all the current appropriations. Thus it appears that, after satisfying all those appropriations, and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about four hundred and forty thousand dollars. That such should be the aspect of our finances, is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign Powers, the present may be hailed as that epoch in our history the most favorable for the settlement of those principles in our domestic policy, which shall be best calculated to give stability to our republic, and secure the blessings of Freedom to our citizens. Among these principles, from our past experience it cannot be doubted that simplicity in the character of the Federal Government, and a rigid economy in its administration, should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from any exercise of the taxing power; and that it was, in this respect, a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligation of which all portions of the Union cheerfully acknowledged, it must be obvious, that whatever is calculated to increase the burdens of Government without necessity, must be fatal to all our hopes of preserving its

true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt, and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy, which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy, and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the Government, and suggested by the wants of the country. Properly regarded, under such a policy, every diminution of the public burdens, arising from taxation, gives to individual enterprise increased power, and furnishes to all the members of our happy confederacy new motives for patriotic affection and support. But, above all, its most important effect will be found in its influence upon the character of the Government, by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the Government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest; the extraordinary extension and contraction of its accommodations to the community; its corrupt and partizan loans; its exclusion of the public directors from a knowledge of its most important proceedings; the unlimited authority conferred on the president to expend its funds in hiring writers, and procuring the execution of printing, and the use made of that authority; the retention of the pension money and books after the selection of new agents; the groundless claim to heavy damages, in consequence of the protest of the bill drawn on the French Government, have, through various channels, been laid before Congress. Immediately after the close of the last session, the Bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment, and the interruption of domestic exchanges, which it had practised upon from the

1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this enunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the Bank, and had been persisted in merely to induce Congress to grant the prayer of the Bank in its memorial relative to the removal of the deposits, and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months, had been needlessly produced by it, with the view of affecting, through the sufferings of the people, the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the infliction; that the energies of our people soon found relief from this wanton tyranny, in vast importations of the precious metals from almost every part of the world; and that, at the close of this tremendous effort to control our Government, the Bank found itself powerless, and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries; so that, on the 1st of October last, the extraordinary spectacle was presented of a National Bank, more than one half of whose capital was either lying unproductive in its vaults, or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress, has since been added the open seizure of the dividends on the public stock, to the amount of one hundred and seventy thousand and forty-one dollars, under pretence of paying damages, cost, and interest, upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs, or the receivers of our land offices on the moneys arising from the sale of public lands, under pretences of claims against the United States, as that the Bank would

have retained the dividends. Indeed, if the principle be established that any one who chooses to set up a claim against the United States may, without authority of law, seize on the public property or money wherever he can find it, to pay such claim, there will remain no assurance that our revenue will reach the Treasury, or that it will be applied after the appropriation to the purposes designated in the law. The paymasters of our army, and the pursers of our navy, may, under like pretences, apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defence. This measure, resorted to by the Bank, is disorganizing and revolutionary, and, if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence.

It is a constitutional provision, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money, for any purpose whatsoever, which shall not have been first approved by the representatives of the people and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended, in the Legislative Department of the Government, to the exclusion of the Executive and Judicial, and it is not within the constitutional authority of either of those departments to pay it away without law, or to sanction its payment. According to this plain constitutional provision, the claim of the Bank can never be paid without an appropriation by act of Congress. But the Bank has never asked for an appropriation. It attempts to defeat the provision of the constitution, and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses, and approved by the President, it makes an appropriation for itself, and invites an appeal to the Judiciary to sanction it. That the money had not technically been paid into the the Treasury, does not affect the principle intended to be established by the constitution. The Executive and Judiciary have as little right to appropriate and expend the public money without authority of law, before it is

placed to the credit of the Treasurer, as to take it from the Treasury. In the annual report of the Secretary of the Treasury, and in his correspondence with the president of the Bank, and the opinions of the Attorney General accompanying it, you will find a further examination of the claims of the Bank, and the course it has pursued.

It seems due to the safety of the public funds remaining in that Bank, and to the honor of the American people, that measures be taken to separate the Government entirely from an institution so mischievous to the public prosperity, and so regardless of the Constitution and laws. By transferring the public deposits, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks in payment of the public dues after the first day of January next, the Executive has exerted all its lawful authority to sever the connexion between the Government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this Government, duties of the gravest and most imperative character—duties which they cannot avoid, and from which I trust there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge those which may rightfully fall on me. To continue any business relations with the Bank of the United States, that may be avoided without a violation of the national faith, after that institution has set at open defiance the conceded right of the Government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly expressed will of the people, by turning against them the immense power entrusted to its hands, and by involving a country otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress, would make the nation itself a party to the degradation so seduously prepared for its public agents, and do much to destroy the confidence of mankind in popular Governments, and to bring into con-

tempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provision of the charter requiring the receipt of notes of the Bank in payment of public dues, shall, in accordance with the power reserved to Congress in the 14th section of the charter, be suspended until the Bank pays to the Treasury the dividends withheld; and that all laws connecting the Government or its officers with the Bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a National Bank far overbalance all its advantages. The bold effort the present Bank has made to control the Government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution, or the establishment of another like it. It is fervently hoped that, thus admonished, those who have heretofore favored the establishment of a substitute for the present Bank, will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected, than to concentrate the whole moneyed power of the republic, in any form whatsoever, or under, any restrictions.

Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves, and discharged all these duties, while the Bank of the United States was still powerful, and in the

field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations, when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposits in the State banks, by law. Although the power now exercised by the Executive Department in this behalf is only such as was uniformly exerted through every administration from the origin of the Government up to the establishment of the present Bank, yet it is one which is susceptible of regulation by law, and, therefore, ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the Executive authority, in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over those institutions, which, being thus freed from Executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections, which have led the Bank of the United States to agitate and convulse the country for upwards of two years.

The progress of our gold coinage is creditable to the officers of the mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travellers of the want of a general paper currency, should the State banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates, and not a doubt is entertained that, in a short period, all the wants of the country, in bank accommodations and in exchange, will be supplied as promptly and cheaply as they have heretofore been by the Bank of the United States. If the several

States shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall, in a few years, have a currency as sound, and as little liable to fluctuations, as any other commercial country.

The report of the Secretary of War, together with the accompanying documents from the several bureaux of that department, will exhibit the situation of the various objects committed to its administration.

No event has occured since your last session, rendering necessary any movements of the army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier, and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens, and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Col. Dodge, and the troops under his command, have acted with equal firmness and humanity, and an arrangement has been made with those Indians, which it is hoped will insure their permanent pacific relations with the United States, and the other tribes of Indians upon that border. It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that of Gen. Leavenworth, an officer well known and esteemed for his gallant services during the late war, and for subsequent good conduct, who has fallen a victim to his zeal and exertions in the discharge of his duty.

The army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient, under its present organization, for providing the necessary garrisons for the seaboard, and for the defence of the internal frontier, and also for preserving the elements of military knowledge, and for keeping pace with those improvements which modern experience is continually making.

And these objects appear to to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger, and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the Engineer Department, and upon the topographical engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has, during this season, taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined to remove. How long the personal causes which have hitherto retarded that ultimately inevitable measure will continue to operate, I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils, which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living among us. The facility with which the necessaries of life are procured, and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits, and in the important concern of education, and their removal from those causes which have heretofore depressed all, and destroyed many of the tribes, cannot fail to stimulate their exertions, and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs, have been carried into effect, and detailed instructions for their administration have been given. It will be seen, by the estimates for the present session, that a great reduction will take place in the expenditures of the department in consequence of these laws. And there is reason to believe that their operation will be salutary, and that the col-

onization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service, and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed, showing the existence of extensive frauds under the various laws granting pensions and gratuities for revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the National Treasury. I am satisfied, however, that it has been such as to justify a re-examination of the system, and the adoption of the necessary checks in its administration. All will agree that the services and sufferings of the remnant of our revolutionary band should be fully compensated; but while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding, the attestations and certificates of the judicial officers of the various States form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been, and may be fabricated, and in such a way as to elude detection at the examining offices; and, independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry; and, in one instance at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that, under such circumstances, no severity of administration can check the abuse of the law; and information has, from time to time, been communicated to the Pension Office, questioning or denying the right of persons placed upon the pension list to the bounty of the country. Such cautions are always attended to and examined, but a far more general investigation is called for; and I therefore recommend, in conformity with the suggestion of the Secretary of War, that an actual inspection should be made in each State, into the circumstances and claims of eve-

ry person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected, and the public Treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks without any burdensome operation upon the pensioners. The object should be twofold:

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the claimants themselves, and by inquiring, in the vicinity of their residence, into their history, and into the opinion entertained of their revolutionary services.

2. To ascertain, in all cases, whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion, that all payments should be suspended till the necessary reports are received.

It will be seen, by a tabular statement annexed to the documents transmitted to Congress, that the appropriations for objects connected with the War Department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of two hundred thousand dollars for arming and equipping the militia, and the appropriation of ten thousand dollars for the civilization of the Indians, which are not annually renewed, amounted to the sum of nine million three thousand two hundred and sixty-one dollars, and that the estimates of appropriations necessary for the same branch of service for the year 1835, amount to the sum of five million seven hundred and seventy-eight thousand nine hundred and sixty-four dollars, making a difference in the appropriations of the current year over the estimates of the appropriations for the next, of three million two hundred and twenty-four thousand two hundred and ninety-seven dollars.

The principal causes which have operated at this time to produce this great difference, are shown in the reports and documents, and in the detailed estimates. Some of these causes are accidental and temporary, while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires, and withholding where it does not, is among the indispensable duties of the Government.

I refer you to the accompanying report of the Secretary of the Navy, and to the documents with it, for a full view of the operations of that important branch of our service during the present year. It will be seen that the wisdom and liberality with which Congress have provided for the gradual increase of our navy material, have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject; and that but a short period would now be required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that, in the event of conflicts with them, we must look chiefly to our navy for the protection of our national rights. The wide seas which separate us from other Governments, must of necessity be the theatre on which an enemy will aim to assail us, and, unless we are prepared to meet him on this element, we cannot be said to possess the power requisite to repel or prevent aggressions. We cannot, therefore, watch with too much attention this arm of our defence, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials which are necessary to repair our vessels, and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry dock de-

scribed by the Secretary of the Navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficiency as auxiliaries to the system of defence now in use.

The report of the Postmaster General, herewith submitted, exhibits the condition and prospects of that department. From that document, it appears that there was a deficit in the funds of the department, at the commencement of the present year, beyond its available means, of three hundred and fifteen thousand five hundred and ninety-nine dollars and ninety-eight cents, which, on the 1st of July last, had been reduced to two hundred and sixty-eight thousand and ninety-two dollars and seventy-four cents. It appears, also, that the revenues for the coming year will exceed the expenditures about two hundred and seventy thousand dollars, which, with the excess of revenue which will result from the operations of the current half year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which had accrued within the period embraced by the times of striking the balances, it is obvious that, without a progressive increase in the amount of postages, the existing retrenchments must be persevered in through the year 1836, that the department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the Post Office Department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than a hundred thousand dollars. This is attributed, in a great degree, to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive officers to which it has been granted; and, by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restriction under which it is granted, would operate beneficially to the country,

by enabling the department at an earlier period to restore the mail facilities that have been withdrawn, and to extend them more widely as the growing settlements of the country may require.

To a measure so important to the Government, and so just to our constituents, who ask no exclusive privileges for themselves, and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the Post Office Department, and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to executive control and individual discretion. The principle is as sound in relation to this as to any other department of the Government, that as little discretion should be confided to the executive officer who controls it, as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an auditor and treasurer of its own, appointed by the President and Senate, who shall be branches of the Treasury Department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the Federal Judiciary throughout the several States, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one-fourth of the States without circuit courts.

It is undoubtedly the duty of Congress to place all the States on the same footing in this respect, either by the creation of an additional number of associate judges, or by an enlargement of the circuits assigned to those already appointed, so as to include the new States. Whatever may be the difficulty in a proper organization of the judicial system, so as to secure its efficiency and uniformity in all parts of the Union, and at the same time to avoid such an increase of judges as would en-

cumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention, in regard to the mode of electing the President and Vice President of the United States. All the reflection I have been able to bestow upon the subject, increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure, in all contingencies, that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the Treasury Department. As the public interest requires that another building should be erected with as little delay as possible, it is hoped that the means will be seasonably provided, and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers, and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash river," which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval, and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs, more important, or more difficult to be satisfactorily dealt with, than that which relates to the rightful authority and proper action of the Federal Government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress

upon this subject, and, in adverting to it again, I cannot refrain from expressing my increased conviction of its extreme importance, as well in regard to its bearing upon the maintenance of the constitution, and the prudent management of the public revenue, as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the constitution, by which encroachments are made upon the personal rights of the citizens. The sentence of condemnation long since pronounced by the American people upon acts of that character, will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages, and bring in their train the patronage of the Government, we are, I fear, not so safe. To suppose that because our Government has been instituted for the benefit of the people, it must therefore have the power to do whatever may seem to conduce to the public good, is an error, into which even honest minds are too apt to fall. In yielding themselves to this fallacy, they overlook the great considerations in which the federal constitution was founded. They forget that, in consequence of the conceded diversities in the interest and condition of the different States, it was foreseen, at the period of its adoption, that although a particular measure of the Government might be beneficial and proper in one State, it might be the reverse in another—that it was for this reason the States would not consent to make a grant to the Federal Government of the general and usual powers of Government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate: and they forget also the paramount obligation upon all to abide by the compact, then so solemnly, and, as it was hoped, so firmly established. In addition to the dangers to the constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of

its adaptation to the purposes of personal ambition. With such stimulants it is not surprising that the acts and pretensions of the Federal Government, in this behalf, should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

1st. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

2d. To the right of appropriating money in aid of such works when carried on by a State, or by a company in virtue of State authority, surrendering the claim of jurisdiction: and

3d. To the propriety of appropriations for improvements of a particular class, viz. for light-houses, beacons, buoys, public piers, and for the removal of sand bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the General Government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys, common to all, there is superadded to that the conflicting jurisdictions of the respective Governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the State and Federal Governments, in the absence of a constitutional provision marking out their respective boundaries, cannot be doubted. The local advantages to be obtained would induce the States to overlook in the beginning the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the Federal Government would soon be regarded with jealousy by the State authorities, and originating, as they must, from implication or assumption, would be impossible to affix to them certain and safe lim-

its. Opportunities and temptations to the assumption of power incompatible with State sovereignty, would be increased, and those barriers which resist the tendency of our system towards consolidation greatly weakened. The officers and agents of the General Government might not always have the discretion to abstain from intermeddling with State concerns; and if they did, they would not always escape the suspicion of having done so. Collisions and subsequent irritations would spring up; that harmony which should ever exist between the General Government and each member of the Confederacy, would be frequently interrupted; a spirit of contention would be engendered; and the dangers of disunion greatly multiplied.

Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal Government in works of internal improvement, prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company, passed the two Houses, there had been reported, by the Committees on Internal Improvements, bills containing appropriations for such objects, inclusive of those for the Cumberland road, and for harbors aud light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials presented, but not referred, different projects for works of a similar character, the expense of which cannot br estimated with certainty, but must have exceeded one hudred millions of dollars.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive the bands of the Union asunder; and believing that, if its passage was acquiesced in by the Executive and the people, there would no longer be any limitation upon the authority of the General Government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the Executive approval. Although, from the obviously local character of that work, I might well have contented myself with a refusal to approve the bill upon that ground, yet, sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress, and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprise Congress that, in my opinion, the constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a State, and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the Federal Government in regard to it would be ultimately secured.

So far, at least as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt, within my recollection, has been made to induce Congress to exercise this power. The applications for the construction of roads and canals, which were formerly multiplied upon your files, are no longer presented; and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has

been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character, we cannot, I trust, have any thing further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character, and prosecuted under State authority, assuming that Congress have the right to do so, were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville Road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress, until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the Executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public Treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the constitution, prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of Government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others, have already been stated to Congress. I

will now only add, that, at the first session of Congress under the new constitution, it was provided, by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and, further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present, without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant, and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery es-

tablished by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations for remote and not well understood objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An act to improve the navigation of the Wabash river;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen, entertaining my opinions, could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing, as I have done, on this, and other occasions, checks to a course of legislation which, without, in the least degree, calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them cannot be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and, instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion.

SEVENTH ANNUAL MESSAGE.

DECEMBER 2, 1835.

Fellow-Citizens of the Senate and House of Representatives:

In the discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns, and the devout hope which I cherish, that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past, that, if true to ourselves, there can be no formidable obstacle in the future, to its peaceful and uninterrupted pursuit. Yet, in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the States of the old world, should we now be solicitous as to those

which belong to the conviction, that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of Government.

In the example of other systems founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the People of the United States; and that the testimony which our experience thus far holds out to the great human family, of the practicability and the blessings of free government will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards: in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home, which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached: and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and forbearance that mark our intercourse with foreign powers,—we have every reason to feel proud of our beloved country.

The general state of our Foreign Relations has not materially changed since my last annual message.

In the settlement of the question of the Northeastern

boundary, little progress has been made. Great Britain has declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence, that with the strong mutual disposition which I believe exists, to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the Northeastern frontier, of a character to impress upon all the necessity of a speedy and definite termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will, no doubt, have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them. The Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which has marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal, are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The instalments due under the Convention with the King of the two Sicilies, have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged, that the adjustment of the vexed question of our claims will be followed by a more extended and mutual beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been, by incidents of the most sanguinary character, the obligations of

the late treaty of indemnification with us, have been, nevertheless, faithfully executed by the Spanish Government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by it, been placed in the possession of the United States, and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed Minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the Commissioners, at a critical moment, embarrassed the progress of the delivery of them. The higher officers of the local Government have recently shown an anxious desire, in compliance with the orders from the parent Government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid, for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere, as have availed themselves of the intimation given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted, that simultaneous appointments, by all, of ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long standing dispute spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweeden, and Denmark, stand on the usual fa-

vorable basis. One of the articles of our treaty with Russia, in relation to the trade on the Northwest coast of America having expired, instructions have been given to our Minister at St. Petersburg to negotiate a renewal of it. The long and unbroken amity between the two Governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than, with our view on the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the 19th Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th January, 1825, and 18th January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, a respect for his reference of it to the Legislature, has alone prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes, on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United States. Giving the same privileges, the Belgians expected the same benefits —benefits that were in fact enjoyed when Belgium and Holland were united under one Government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans: and at the same time a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality, by taking from the vessels of Holland privileges conditionally granted by acts of Congress, al-

though the condition upon which the grant was made, has, in my judgment, failed since 1822. I recommend, therefore, a review of the Act of 1824, and such a modification of it as will produce an equality, on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly powers.

With the Sublime Porte, and all the Governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send within the current year, a Minister to the United States.

A Convention with Mexico for extending the time for the appointment of commissioners to run the boundary line has been concluded, and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing, and powerful inducements held out to the citizens of the United States, to mingle in the dissensions of our immediate neighbors, instructions have been given to the District Attorney of the United States, where indications warranted, to prosecute, without respect to persons, all who might attempt to violate the obligations of our neutrality; while at the same time it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both.

From our diplomatic agents in Brazil, Chili, Peru, Central America, Venezuela, and New Grenada, constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With those Governments upon which our citizens have valid and accumulating claims, scarcely an advance towards the settlement of them is made, owing mainly to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be still further severely tried; but our fellow-citizens whose interests are involved, may

confide in the determination of the Government to obtain for them eventually, ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, much time elapses before a Government sufficiently stable is erected to justify expectation of redress—Ministers are sent and received, and before the discussion of past injuries is fairly begun, fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together, with the existing Government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power, without waiting for the establishment of a Government competent and enduring enough to discuss and make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her Legislature, and the money has been appropriated for their discharge; but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy, will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American People to require description. It is sufficient to say, that, for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggression on the part of France—ag-

gressions, the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention, as well of the laws of nations, as of treaty stipulations; burnings on the high seas; and seizures and confiscations, under special imperial rescripts, in the ports of other nations occupied by the armies, or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered—wrongs, in many cases, so flagrant, that even their authors never denied our right to reparation. Of the extent of these injuries, some conception may be formed from the fact, that after the burning of a large amount at sea, and the necessary deterioration, in other cases, by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upwards of twenty-four millions of francs, besides large custom house duties.

The subject had already been an affair of twenty years uninterrupted negotiation, except for a short time, when France was overwhelmed by the military power of united Europe. During this period, whilst other nations were extorting from her, payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious; and the line of duty was to my mind equally so. This was, either to insist upon the adjustment of our claims within a reasonable period, or to abandon them altogether. I could not doubt, that by this course, the interests and honors of both countries would be best consulted. Instructions were therefore given in this spirit to the Minister who was sent out once more to demand reparation. Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The

then French ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American Minister, of his own accord, refuted the construction which was attempted to be put upon the message, and at the same time, called to the recollection of the French ministry, that the President's message was a communication addressed, not to foreign Governments, but to the Government of the United States, in which it was enjoined upon by the Constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress, in due time, to what might be the possible consequences of existing difficulties with any foreign Government, he might fairly be supposed to do so under a sense of what was due from him, in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign power.

The views taken by him received my approbation, the French Government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognizing the justice of our claims, in part, and promising payment to the amount of 25 millions of francs, in six annual instalments.

The ratifications of this treaty were exchanged in Washington on the 2d of February, 1832, in five days thereafter it was laid before Congress who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French, in terms which are certainly not mere matters of form, and of which the translation is as follows: "We, approving the above convention, in all and each of the dispositions which are contained in it, do declare, by ourselves, as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a King, to ob-

serve it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause, or under any pretence whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French Government, in their action upon the subject of its fulfilment, have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without any thing like a serious attempt to obtain a decision upon the subject; and that it was not until the fourth session, almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications, that the bill for the execution of the treaty was pressed to a vote and rejected.

In the mean time, the Government of the United States having full confidence that a treaty entered into and so solemnly ratified by the French King, would be executed in good faith, and not doubting that provision would be made for the payment of the first instalment, which was due on the 2d day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the non payment of the money by France, conformably to her agreement, the United States were exposed to a heavy claim on the part of the Bank, under pretence of damages, in satisfaction of which that institution seized upon, and still retains an equal amount of public moneys. Congress was in session when the decision of the Chambers reached Washington; and an immediate communication of this apparently final decision of France not to fulfil the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone

of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable, that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relation which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied, that by doing so, neither the interest nor the honor of my country would be compromised. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation, would be such as I have described them to have been, was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King, in person, expressed through our Minister in Paris, his profound regret at the decision of the Chambers, and promised to send, forthwith, a national ship with despatches to his Minister here, authorizing him to give such assurances as would satisfy the Government and People of the United States, that the treaty would yet be faithfully executed by France. The national ship arrived, and the Minister received his instructions.

Claiming to act under the authority derived from them, he gave to this government, in the name of his, the most solemn assurances, that as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his Ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this Government at the time, to engage, that the question should be pressed to a decision at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session.

Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France, were not realized. The French Chambers met on the 31st of July, 1834, soon after the election; and although our Minister in Paris urged the French Ministry to bring the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be re-assembled at a period so early that their action on the treaty might be known at Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued to the 29th of December, a day so late that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress by the Constitution. The reasons given by the Ministry for refusing to convoke the Chambers at an earlier period, were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call, for domestic purposes—which fact however, did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as in my judgment, the occasion called for. To this end an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offence to others, would have been unworthy of us. To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivat-

ing relations of amity and reciprocal advantage, would have been unwise and improper. Admonished by the past of the difficulty of making even the simplest statement of our wrongs, without disturbing the sensibilities of those who had, by their position, become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect any thing from her fears. The message did not reach Paris until more than a month after the Chambers had been in session; and such was the insensibility of the Ministry to our rightful claims and just expectations, that our Minister had been informed that the matter, when introduced, would not be pressed as a cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French Ministry decided to consider the conditional recommendation of reprisals, a menace and an insult which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity, were the immediate recall of their Minister at Washington, the offer of pasports to the American Minister at Paris, and a public notice to the Legislative Chambers that all diplomatic intercourse with the United States had been suspended. Having, in this manner, vindicated the dignity of France, she next proceeded to illustrate her justice. To this end, a bill was immediately introduced into the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As the bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer with some particularity to the proceedings and discussions in regard to it.

The Minister of Finance in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor the people of the United States were responsible, and that an engagement had been entered into, for the fulfilment of which, the honor of France was pledged. Entertaining these views, the single condition which the French Ministry proposed to annex to the payment of the money, was, that it should not be made until it was ascertained that the Government of the United States had done nothing to injure the interests of France; or, in other words, that no steps had been authorised by Congress of a hostile character towards France.

What the disposition or action of Congress might be, was then unknown to the French Cabinet. But, on the 14th of January, the Senate resolved that it was, at that time, inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee, to whom the bill of indemnification had been referred, reported it to the Chamber of Deputies. That committee substantially re-echoed the sentiments of the Ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill, without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers, that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its

passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d December, 1834—and what is still more extraordinary, the President of the Council of Ministers adopted this amendment, and consented to its incorporation in the bill. In regard to a supposed insult which had been formally resented by the recall of their Minister, and the offer of pasports to ours, they now, for the first time, proposed to ask explanations. Sentiments and propositions, which they had declared could not justly be imputed to the Government or People of the United States, are set up as obstacles to the performance of an act of conceded justice to that Government and people. They had declared that the honor of France required the fulfilment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them, and yet that fulfilment is refused, unless they first obtain, from the President, explanations of an opinion characterized by themselves as personal and imperative.

The conception that it was my intention to menace or insult the Government of France, is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny, would be vain and ridiculous. But the Constitution of the United States imposes on the President the duty of laying before Congress the condition of the country, in its foreign and domestic relations, and of recommending such measures as may, in his opinion, be required by its interests. From the performance of this duty he cannot be deterred by the fear of wounding the sensibilities of the people or Government of whom it may become necessary to speak—and the American people are incapable of submitting to an interference, by any Government on earth, however powerful, with the free performance of the domestic duties which the Constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our Government, belong to ourselves, and, for any thing said in them, our public servants are only responsible to their

own constituents and to each other. If in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice, and what is due to their own character—but they can never submit to be interrogated upon the subject, as a matter of right by a foreign power. When our discussions terminate in acts, our responsibility to foreign powers commences, not as individuals, but as a nation. The principle which calls in question the President for the language of his message, would equally justify a foreign power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington and the first President Adams, in the performance of their duties to the American People, fell under the animadversions of the French Directory. The objection taken by the ministry of Charles X, and removed by the explanations made by our minister on the spot, has already been adverted to. When it was understood that the ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late minister at Paris in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government under date of the 29th of January, 1835, calculated to remove all impressions which an unreasonable susceptibility had created. He repeated, and called the attention of the French Government to the disavowal contained in the message itself, of any intention to intimidate by menace—he truly declared that it contained, and was intended to contain no charge of ill faith against the King of the French, and properly distinguished between the right to complain, in unexceptionable terms, of the omission to execute an agreement, and an accusation of bad motives in withholding such execution—and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this

communication was made without instructions, and entirely on the minister's own responsibility, yet it was afterwards made the act of this Government by my full approbation, and that approbation was officially made known on the 25th of April, 1835, to the French Government. It, however, failed to have any effect. The law, after this friendly explanation, passed with the obnoxious amendment, supported by the King's ministers, and was finally approved by the King.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note on the 29th of January, to which I have before alluded, was not the only one which our Minister took upon himself the responsibility of presenting on the same subject, and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French Government, that whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offence, yet we could never admit a right in any foreign Government to ask explanations of or interfere in any manner in the communications which one branch of our public councils made with another; that in the present case, no such language had been used, and that this had, in a former note, been fully and voluntarily stated before it was contemplated to make the explanation a condition; and that there might be no misapprehension, he stated the terms used in that note, and every explanation which could reasonably be asked, or honorably given, had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was, therefore, not only useless, but might be deemed offensive, and certainly would not be complied with, if annexed as a condition.

When the latter communication, to w[illegible]

invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford, of an honorable and speedy adjustment of the difficulties between the two nations, would have been accepted; and I therefore did not hesitate to give it my sanction and full approbation. This was done to the Minister who had made himself responsible for the act; and it was published to the people of the United States, and is now laid before their representatives, to show how far their Executive has gone in its endeavors to restore a good understanding between the two countries. It would have been, at any time, communicated to the Government of France, had it been officially requested.

The French Government having received all the explanation honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the instalments now due. The agent authorized to receive the money was instructed to inform the French Ministry of his readiness to do so. In reply to this notice, he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official communication of the intentions of the French Government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our Charge d'Affaires at Paris to be instructed to ask for the final determination of the French Government; and in the event of their refusal to pay the instalments now due, without further explanations, to return to the United States.

The result of the last application has not reached us, but it is daily expected. That it may be favorable is my sincere wish. France having now, through all the branches of her Government, acknowledged the validity of our claims, and the obligation of the treaty of 1831, and there really existing no adequate cause for further delay, will at length, it may be hoped, adopt the course which the interest of both nations, not less than the principles of justice, so imperiously require. The treaty

being once executed on her part, little will remain to disturb the friendly relations of the two countries: nothing indeed, which will not yield to the suggestions of a pacific and enlightened policy, and to the influence of that mutual good will and of those generous recollections, which we may confidently expect will then be revived in all their ancient force. In any event, however, the principle involved in the new aspect which has been given to the controversy, is so vitally important to the independent administration of the Government, that it can neither be surrendered nor compromised, without national degradation. I hope it is unnecessary for me to say that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me, for the statement of truth and the performance of duty; nor can I give any explanation of my official acts, except such as is due to integrity and justice, and consistent with the principles on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose, if the sum of twenty-five millions of francs will have the weight of a feather, in the estimation of what appertains to their national independence, and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure rally round the Government of their choice with alacrity and unanimity, and silence forever the degrading imputation.

Having thus frankly presented to you the circumstances which, since the last session of Congress, have occurred in this interesting and important matter, with the views of the Executive in regard to them, it is at this time only necessary to add, that whenever the advices now daily expected from our charge d'Affaires shall have been received, they will be made the subject of a special communication.

The condition of the Public Finances never was more flattering than at the present period.

Since my last annual communication, all the remains of the Public Debt have been redeemed, or money has been placed in deposite for this purpose, whenever the

creditors choose to receive it. All the other pecuniary engagements of the Government have been honorably and promptly fulfilled, and there will be a balance in the Treasury, at the close of the present year of about nineteen millions of dollars. It is believed, that after meeting all the outstanding and unexpended appropriations, there will remain near eleven millions to be applied to any new object which Congress may designate, or to the more rapid execution of the works already in progress. In aid of these objects and to satisfy the current expenditures of the ensuing year, it is estimated there will be received from various sources, twenty millions more in 1836.

Should Congress make new appropriatons, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions, still the available surplus, at the close of the next year, after deducting all unexpended appropriations, will probably be not less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in Navy Yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt in our present and peculiar condition, to divide the surplus revenue, or to reduce it any faster than will be effected by the existing laws. In any event, as the annual report from the Secretary of the Treasury will enter into details, showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff, so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption, which are not in competition with our own productions, may be, no doubt, so diminished as to lessen to some extent the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defence, which, in the present state of our prosperity and wealth, may be expected to engage your at-

tention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish, as far as we can, the burden of taxation, and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations, or those primary duties which the defence and independence of our country enjoins upon us. That we have accomplished much towards the relief of our citizens by the changes which have accompanied the payment of the public debt, and the adoption of the present revenue laws, is manifest from the fact, that compared with 1833, there is a diminution of near twenty-five millions in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions during the same period. Let us trust, that by the continued observance of economy, and by harmonizing the great interests of agriculture, manufactures and commerce, much more may be accomplished to diminish the burdens of Government, and to increase still further the enterprise and the patriotic affection of all classes of our citizens, and all the members of our happy confederacy. As the data which the Secretary of the Treasury will lay before you, in regard to our financial resources, are full and extended, and will afford a safe guide in your future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sale of the public lands, which amount in the present year, to the unexpected sum of $11,000,000. This circumstance attests the rapidity with which agriculture, the first and most important occupa-

tion of man, advances, and contributes to the wealth and power of our extended territory. Being still of opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I offered respecting it, in my former message.

The extraordinary receipts from the sales of the public lands invite you to consider what improvements the land system, and particularly the condition of the General Land Office, may require. At the time this institution was organized, near a quarter of a century ago, it would probably be thought extravagant to anticipate, for this period, such an addition to its business as has been produced by the vast increase of those sales, during the past and present years. It may also be observed, that since the year 1812, the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments, from year to year since that time, have imposed a great amount of new and additional duties upon that office, while the want of a timely application of force, commensurate with the care and labor required, has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the General Land Office induce me to submit to your judgment, whether some modification of the laws relating to its organization, or an organization of a new character be not called for, at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree of facility and promptitude than experience has proved to be practicable, under existing regulations. The variety of the concerns, and the magnitude and complexity of the details occupying and dividing the attention of the Commissioner, appear to render it difficult, if not impracticable, for that officer, by any possible assiduity, to bestow on all the multifarious subjects, upon which he is called to act, the ready and careful attention due to their respective importance, unless the

Legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility, among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office, substracts so largely from his time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service, as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress, hereafter, to proportion the expenditure on account of this branch of the service to its real wants, by abolishing, from time to time, the offices which can be dispensed with.

The extinction of the Public Debt having taken place, there is no longer any use for the officers of Commissioners of Loans and of the Sinking Fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the Treasury department, of any funds, books, and papers, connected with the operations of these officers: and that the proper power be given to that department for closing finally, any portion of their business which may remain to be settled.

It is also incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue; and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock, it will be essential to define clearly and strictly, the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the Secretary of the Treasury will lay before you, that notwithstanding the large amount of the stock which the United States hold in that institution, no information has

yet been communicated which will enable the Government to anticipate when it can receive any dividends, or derive any benefit from it.

Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North-Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking system of the States, and by judicious regulations on the part of Congress in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks, preventing that excessive issue of paper, whence arise those fluctuations in the standard of value, which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States, that from the credit given to it by the custody of the public moneys, and other privileges, and the precautions taken to guard against the evils which the country had suffered in the bankruptcy of many of the State institutions at that period, we should derive from that institution all the security and benefits of a sound currency, and every good end that was attainable under that provision of the Constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized.

After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by pretensions to power which defied the public authority, and which, if acquiesced in by the People, would have changed the whole character of our Gov-

ernment, every candid and intelligent individual must admit that, for the attainment of the great advantages of a sound currency, we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end, we must set aside all calculations of temporary convenience, and be influenced by those only that are in harmony with the true character and the permanent interests of the republic. We must recur to first principles, and see what it is that has prevented the legislation of Congress and the States, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession, and generous patriotism, which was originally, and must ever continue to be, the vital element of our Union.

On this subject I am sure that I cannot be mistaken, in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered, my be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers exhibited in the contest waged by the Bank of the United States against the Government, for the last four years. Happily they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprang is an ever active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the People, or the treachery of their representatives, to the subtle progress of its influence.

The Bank is, in fact, but one of the fruits of a system at war, with the genius of all our institutions—a system founded upon a political creed, the fundamental princi-

ple of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object, and inevitable result, should it prevail, is the consolidation of all power in our system in one Central Government. Lavish public disbursements, and corporations with exclusive privileges, would be its substitutes for the original, and as yet, sound checks and balances of the Constitution—the means by whose silent and secret operation a control would be exercised by a few over the political conduct of the many, by first acquiring that control over the labor and earning of the great body of the People. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of Government, it has to be incessantly watched, or it corrupts the sources of the public virtue, and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid, as such, indeed in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience, and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and distributed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money

market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor, were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

It has been seen, that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained, that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected.

Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with, and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If by this policy we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principle circulating medim in the common business of the farmers and mechanics of the country. The attainment of such a result will form an

era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.

To this subject I feel that I cannot too earnestly invite the special attention of Congress, without the exercise of whose authority, the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the Executive has taken all the steps within his constitutional power, to guard the public revenue, and defeat the expectations which the Bank of the United States indulged, of renewing and perpetuating its monopoly, on the ground of its necessity as a fiscal agent, and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty much responsibility has occurred which would have been gladly avoided, if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority, and supported by precedent, I was aware there was in the act of the removal of the deposits, a liability to excite that sensitiveness to Executive power which it is the characteristic and duty of freemen to indulge; but I relied on this feeling, also directed by patriotism and intelligence, to vindicate the conduct which, in the end, would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been prompted by motives not sufficiently free from ambition, were not overlooked.

Under the operation of our institutions, the public servant who is called on to take a step of high responsibility, should feel in the freedom which gives rise to such apprehensions, his highest security. When unfounded, the attentions which they arouse and the discussions they excite, deprive those who indulge them, of the power to

do harm; when just, they but hasten the certainty with which the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposits, it was impossible for me to be deterred from the path of duty, by a fear that my motives could be misjudged, or that political prejudices could defeat the just considerations of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of the People. That measure has now been before them, and has stood the test of all the severe analysis which its general importance, the interests it affected, and the apprehensions it excited, were calculated to produce; and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have, on former occasions said, on this subject generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with their safe keeping should be given to the Executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, Executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public money, this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining in the controversy with the Bank of the United States, which has resulted in severing, to some extent, a dangerous connection between a moneyed and political power. The duty of the Legislature to define by clear and positive enactment, the nature and extent of the action which it belongs to the Executive to superintend, springs out of a policy analagous to that which enjoins upon all the branches of the Federal Govern-

ment an abstinence from the exercise of powers not clearly granted.

In such a Government, possessing only limited and specific powers, the spirit of its general administration cannot be wise or just, when it opposes the reference of all doubtful points to the great source of authority, the States and the People, whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the sole depository of power. In its application to the Executive, with reference to the legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority, which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the People in that body.

In my former messages to Congress, I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various departments, but it has produced no effect, except the discontinuance of extra allowances in the Army and Navy, and the substitution of fixed salaries in the latter. It is believed that the same principle could be advantageously applied, in all cases, and would promote the efficiency and economy of the public service, at the same time the greater satisfaction and more equal justice would be secured to the public officers generally.

The accompanying report of the Secretary of War, will put you in possession of the operations of the department confided to his care, in all its diversified relations during the past year.

I am gratified in being able to inform you that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontiers, with the exceptions stated by the Secretary of War. Our small military establishment appears to be adequate to the purposes for which it is maintained, and it forms a nucleus around which any additional

force may be collected, should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the army, have improved its condition and have rendered its organization more useful and efficient. It is at all times in a state for prompt and vigorous action, and it contains within itself the power of extension to any useful limit; while at the same time, it preserves the knowledge, both theoretical and practical, which education and experience alone can give; and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the Engineer Corps press heavily upon that branch of the service; and the public interest requires an addition to its strength. The nature of the works in which the officers are engaged render necessary professional knowledge and experience, and there is no economy in committing to them more duties than they can perform, or in assigning these to other persons temporarily employed, and too often, of necessity, without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress, and now renewed, for a reorganization of the Topographical Corps. This reorganization can be effected without any addition to the present expenditure, and with much advantage to the public service. The branch of duties which devolve upon these officers is at all times ieteresting to the community, and the information furnished by them is useful in peace and in war.

Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more to be rgeretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive in aid of this important object,

and other branches of the national defence, some portions of which might have been most usefully employed during the past season. I invite your early attention to that part of the report of the Secretary of War, which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic seaboard in a complete state of defence. A just regard to the permanent interests of the country, evidently requires this measure; but there are other reasons which at the present juncture give it peculiar force, and make it my duty to call the subject to your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given the army a valuable body of officers. It is not alone in the improvement, discipline and operation of the troops, that the officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the War Department; in the execution of the staff duties usually appertaining to the military organization; in the removal of the Indians, and in the disbursements of the various expenditures growing out of our Indian relations; in the formation of roads and in the improvement of harbors and rivers; in the construction of fortifications, in the fabrication of much of the material required for the public defence, and in the preservation, distribution and accountability of the whole, and in other miscellaneous duties, not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, sciences, and business habits in their execution; and a system which shall secure these qualifications, is demanded by the public interest. That this object has been in a great measure obtained by the Military Academy, is shown by the state of the service, and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education, no doubt has its imperfections, both of principle and practice: but I trust these can be improv-

ed by rigid inspections and by legislative scrutiny, without destroying the institution itself.

Occurrences, to which we, as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced by the importance of the subject to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely in the first instance on the great body of the community, whose will has instituted, and whose power must support the Government.

A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger, as well as the enormous expense, of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required.

A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which, from age, is qualified for the duty, and may be called to perform it with least injury to themselves, or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service.

Now, when we are at peace, is the proper time to di-

gest and establish a practicable system. The object is certainly worth the experiment, and worth the expense. No one appreciating the blessings of a republican Government, can object to his share of the burden which such a plan may impose. Indeed a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offence to other nations, furnish unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offence is associated a resolution equally decided, tamely to submit to none. The armor and attitude of defence afford the best security against those collisions which the ambition, or interest, or other passion of nations, not more justifiable, is liable to produce. In many countries, it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the People are the sovereign power. Our Government was instituted, and is supported, by the ballot-box, not by the musket. What ever changes await us, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every respect therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portion of the United States, to the country west of the Mississippi river, approaches its consumation. It was adopted on the most mature deliberation of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of Indians have failed. It seems now to be an established fact, that they cannot live in contact with a

civilized community and prosper. Ages of fruitless endeavor have, at length brought us to a knowledge of this principle of intercommunication with them. The past we cannot recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes, for the usufructory rights they have ceded to us, no one can doubt the moral duty of the Government of the United States to protect, and if possible, to preserve and perpetuate the scattered remnants of this race, which are left within our borders. In the discharge of this duty, an extensive region in the West has been assigned for their permanent residence. It has been divided into districts, and allotted among them. Many have already removed, and others are preparing to go; and with the exception of two small bands, living in Ohio and Indiana, not exceeding 1500 persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and re-establishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished, has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population, the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles, they are also furnished gratuitously with provisions for a year after their arrival at their new homes. In that time, from the nature of the country, and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life; if they do not, they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require.

Ample arrangements have also been made for the

support of schools; in some instances council houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor; the most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheel-wrights, mill-wrights, &c. are supported among them. Steel and iron and sometimes salt, are purchased for them; and ploughs, and other farming utensils, domestic animals, looms, spinning wheels, cards, &c. are presented to them. And besides these beneficial arrangements, annuities are, in all cases, paid, amounting, in some instances to more than thirty dollars for each individual of the tribe, and in all cases sufficiently great, if justly divided, and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And as a stimulus for exertion, it is now provided by law that "in all cases of the appointment of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort, and for the moral improvement, of the Indians. The necessary measures for their political advancement, and for their separation from our citizens, have not been neglected. The pledge of the United States has been given by Congress, that the country destined for the residence of this people shall be forever "secured and guaranteed to them."

A country west of Missouri and Arkansas, has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves, or by the United States for them, and with their concurrence. A barrier has thus been raised for their protection against the encroachments of our citizens, and guarding the Indians, as far as possible, from those evils which have brought them to their present condition. Summary authority has been given, by law, to destroy all ardent spirits found

in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article, among these people, as the first and great step in their melioration. Half way measures will answer no purpose. These cannot successfully contend against the cupidity of the seller, and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things between the Government and people of the United States and those transplanted Indian tribes; and for the establishment among the latter, and with their own consent, of some principles of intercommunication, which their juxtaposition will call for; that moral may be substituted for physical force; the authority of a few and simple laws, for the tomahawk, and that an end may be put to those bloody wars, whose prosecution seems to have made a part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will be paid.

The Report of the Secretary of the Navy, showing the condition of that branch of the public service, is recommended to your special attention. It appears from it, that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration, and the more general one which regards this arm of the national defence as our best security against foreign aggression, strongly urge the continuance of the measures which promote its gradual enlargement, and speedy increase of the force which has been hitherto employed abroad and at home. You will perceive, from the estimates which appear in the report of the Secretary of the Navy, that the expenditures necessary to this

increase of its force, though of considerable amount, are small compared with the benefits which they will secure to the country.

As a means of strengthening this national arm, I also recommend to your particular attention the propriety of the suggestion which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner a nursery of skilful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requsite number of ships, is the possession of the means to man them efficiently; and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it cannot be doubted that whatever provision the liberality and wisdom of Congress may now adopt, with a view to the perfect organization of our service, will meet the approbation of all classes of our citizens.

By the report of the Postmaster General, it appears that the revenue of that department during the year ending on the 30th day of June last, exceeded the accruing responsibilities $236,206; and that the surplus the present fiscal year is estimated at $476,227. It farther appears that the debt of the department, on the first day of July last, including the amount due to contractors for the quarter just expired, was about $1,064,381, exceeding the available means about $23,700; and that on the 1st instant, about $597,072 of this debt had been paid; $405,991 out of postages accruing before July, and $187,086 out of postages accruing since. In these payments are included $67,000 of the old debt due to banks. After making these payments, the department had $78,000 in bank on the 1st instant. The pleasing assurance is given, that the department is entirely free from embarrassment, and that, by collections of outstanding balances, and using the current surplus, the remaining portion of the bank debt, and most of the other debt, will

probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the department will be able to sustain with perfect convenience an annual charge of $800,000 for the support of new routes, to commence as soon as they can be established and put in operation.

The measures of the Postmaster General to bring the means of the department into action, and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested, and such salutary provisions in the law regulating its administrative duties as the wisdom of Congress may devise or approve, that important department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the Postmaster General which relates to the carriage of the Mails of the United States upon railroads constructed by private corporations under the authority of the several States. The reliance which the General Government can place on those roads as a means of carrying on its operations, and the principles on which the use of them is to be obtained, cannot too soon be considered and settled.

Already does the spirit of monopoly begin to exhibit its natural propensities, in attempts to exact from the public, for services which it supposes cannot be obtained on other terms, the most extravagant compensation.

If these claims be persisted in, the question may arise whether a combination of citizens, acting under charters of incorporation from the States, can, by a direct refusal or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country, and whether the United States cannot without transcending their constitutional powers, secure to the Post Office Department the use of those roads, by an act

of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation.

To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix by law, the amounts which shall be offered to the rail road companies for the conveyance of the mails, graduated according to their average weight, to be ascertained and declared by the Postmaster General. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South, by attempts to circulate through the mails inflamatory appeals addressed to the passions of the slaves, in prints and various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact and the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders—and peace depends upon the maintenance, in good faith, of those compromises of the Constitution upon which the Union is founded.

It is fortunate for the country that the good sense, the generous feeling, and the deep rooted attachment of the people of the non-slave holding States to the Union, and to their fellow-citizens of the same blood in the South, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguded persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts, who have dared to interfere in this matter, as to authorize the hope, that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertain-

ed that the non-slave holding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of this interesting subject to the State authorities, to whom it properly belongs, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between the members of the Confederacy, from being an instrument of an opposite character. The General Government, to which the great trust is confided, of preserving inviolate the relations created among the States, by the Constitution, is especially bound to avoid in its own action, any thing that may disturb them. I would therefore, call the special attention of Congress to the subject and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty, in the first message which I communicated to Congress, to urge upon its attention the propriety of amending that part of the Constitution which provides for the election of the President and the Vice President of the United States. The leading object which I had in view was the adoption of some new provisions, which would secure to the people the performance of this high duty, without any intermediate agency. In my annual communications since, I have enforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it, as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to [redacted] ture in our fundamental laws can[redacted]

amined, and ought not to be received with favor, until the great body of the people are thoroughly impressed with their necessity and value, as a remedy for real evils, I feel that in renewing the recommendation, I have heretofore made on this subject, I am not transcending the bounds of a just deference to the sense of Congress, or to the disposition of the people.

However much we may differ in the measures which should guide the administration of the Government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system, that one of its most important securities consists in the separation of the Legislative and the Executive powers, at the same time that each is held responsible to the great source of authority, which is acknowledged to be supreme, in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the Constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the Government, did not adopt all the precautions that were necessary to secure its practical observance, and that we cannot be said to have carried into complete effect their intentions until the evils which arise from this organic defect are remedied.

Considering the great extent of our Confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it cannot be disguised that the contingency by which one branch of the Legislature is to form itself into an electoral college, cannot become one of ordinary occurrence, without producing incalculable mischief. What was intended as the medicine of the Constitution in extreme cases, cannot be frequently used without changing its character, and, sooner or later producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the Legislative and Executive function, and while it exposes each to temptations adverse to their efficiency as organs of the Constitution and law, its tendency will be to unite both in resisting the will of the people, and thus give a

direction to the Government anti-republican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it. This obligation, so universal in its application to all the principles of a republic, is peculiarly so in ours, where the formation of parties founded on sectional interests is so much fostered by the extent of our territory. These interests, represented by candidates for the Presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good, and forgetful of the restraints which the great body of the people would enforce, if they were, in no contingency, to use the right of expressing their will. The experience of our country, from the formation of the Government to the present day, demonstrates that the people cannot too soon adopt some stronger safeguard for their right to elect the highest officers known to the Constitution, than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of the District, it is proper that its situation should be fully understood, and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of the District which their true interests require, and which does not conflict with the provisions of the Constitution. It is believed that the laws for the government of the District require revisal and amendment, and that much good may be done by modifying the penal code, so as to give uniformity to its provisions.

Your attention is also invited to the defects which exist in the Judicial system of the United States. As at present organized, the States of the Union derive unequal advantages from the Federal Judiciary, which have been so often pointed out, that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the States that equality in respect to

the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the Judicial system.

With these observations upon the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and the best interests of our beloved country demand.

FRENCH MESSAGE.

JANUARY 15, 1836.

To the Senate
and House of Representatives:

Gentlemen: In my message at the opening of your session, I informed you that our Charge d'Affaires at Paris had been instructed to ask for the final determination of the French Government, in relation to the payment of the indemnification, secured by the treaty of the 4th of July, 1831, and that when advices on the result should be received, it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing, among other things, the correspondence on this subject between our Charge d'Affaires and the French Minister of Foreign Affairs, from which it will be seen, that France requires, as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her Government to be due, that certain explanations shall be made, of which she dictates the terms. These terms are such as that Government has already been officially informed cannot be complied with; and, if persisted in, they must be considered as a deliberate refusal on the

part of France to fulfil engagements binding by the law of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this Government, is clearly set forth in the letter of the French Minister, marked No. 4. We will pay the money, says he, when "*the Government of the United States is ready, on its part, to declare to us, by addressing its claim to us officially, in writing, that she regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France;* and he adds, "*if the Government of the United States does not give this assurance we shall be obliged to think that this misunderstanding is not the result of error.*" In the letter marked No. 6, the French Minister also remarks, that "*the Government of the United States knows, that upon itself depends henceforward the execution of the treaty of July* 4, 1831."

Obliged by the precise language thus used by the French Minister, to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded, that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension is rendered the more unreasonable by the fact, that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating, because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicity given by our Minister accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him, in

his letter to the French Minister of Foreign Affairs, of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgement of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their Executive Government, forbid it.

As the answer of the French Minister to our Charge d'Affaires at Paris, contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State relative to the latter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our Minister to the United States, I caused my official approval of the explanations he had given to the French Minister of Foreign Affairs, to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the Government of the United States in the same way. But, contrary to these well founded expectations, the French Ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French Charge d'Affaires in Washington, who desired to read to him a letter he had received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed to make any official communication,

and replied that he was only authorized to read the letter, and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6, herewith transmitted. It was an attempt to make known to the Government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were in their substance wholly inadmissible. Not being in the shape of an official communication to the Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature, and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers, marked numbers 9, 10 and 11, show an attempt on the part of the French Charge d'Affaires, many weeks afterwards, to place a copy of this paper among the archives of this Government, which for obvious reasons was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make in the accustomed form, would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest by the subsequent avowal of the French Charge d'Affaires, that the object was to bring this letter before Congress and the American people. If Foreign agents, on a subject of disagreement between their Governments and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that in all cases of importance the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this

form, that foreign powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and, on the other, to subject this portion of his acts to public scrutiny; and if occasion should require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it very intimately concerns the national honor; a matter, in my judgment much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French Minister of Foreign Affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French Government, received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as has been before stated, that the French Government on receiving this information, in the same manner the alleged offending message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our Charge d'Affaires, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France with a distinct intimation that it is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions returned to the United States, and the Charge d'Affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state

of things originating in an unreasonable susceptibility on the part of the French Government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and the Legislative action should be brought to sustain Executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies I have heretofore had occasion to speak, and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to such an emergency. Since that period, France, by all the departments of her Government, has acknowledged the validity of our claims, and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, under all existing circumstances, it appears to me, that, until such a determination shall have become evident, it will be proper and sufficient to retaliate, her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former in the present posture of affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if

the Government of France shall render us the justice that is due, and also as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our Charge d'Affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments, I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy preparations for the increase of the navy, and the completion of our coast defences.

If this array of military force be really designed to affect the action of the Government and the people of the United States, on the questions now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of affairs should present to us. Come what may, the explanation which France demands can never be accorded; and no arrangement, however powerful and imposing, at a distance, or on our coast, will, I trust, deter us from discharging the high duties we owe to our constituents, to our national character, and to the world.

The House of Representatives, at the close of the last session of Congress, unanimously resolved, that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should, at all hazards, be adhered to. If, after so signal an example as that given by the American people, during their long protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification, which, after years of remonstrance and

discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at naught the obligation it imposes, the United States will not be the only sufferers. The efforts of humanity and religion, to substitute the appeals of justice and the arbitrament of reason, for the coercive measures usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves, and so fatal to the hopes of the philanthropist, we shall therefore not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement.

EIGHTH ANNUAL MESSAGE.

DECEMBER 6, 1836.

Fellow-citizens of the Senate,
and House of Representatives:

Addressing to you the last annual message I shall ever present to the Congress of the United States, it is a source of the most heartfelt satisfaction to be able to congratulate you on the high state of prosperity which our beloved country has attained. With no causes at home or abroad to lessen the confidence with which we look to the future for continuing proofs of the capacity of our free Institutions to produce all the fruits of good government, the general condition of our affairs may well excite our national pride.

I cannot avoid congratulating you and my country, particularly, on the success of the efforts made during my administration by the Executive and Legislature, in conformity with the sincere, constant, and earnest desire of the people, to maintain peace, and establish cordial relations with all foreign powers. Our gratitude is due to the Supreme Ruler of the Universe; and I invite you to unite with me in offering to him fervent supplication, that his providential care may ever be extended to those who follow us, enabling them to avoid the dangers and the horrors of war, consistently with a just and indispensable regard to the rights and honor of

our country. But, although the present state of our foreign affairs, standing without important change as they did when you separated in July last, is flattering in the extreme. I regret to say, that many questions of an interesting character, at issue with other powers, are yet unadjusted. Amongst the most prominent of these, is that of our northeastern boundary. With an undiminished confidence in the sincere desire of his Brittanic Majesty's Government to adjust that question, I am not yet in possession of the precise grounds upon which it proposes a satisfactory adjustment.

With France, our diplomatic relations have been resumed, and under circumstances which attest the disposition of both Governments to preserve a mutually beneficial intercourse, and foster those amicable feelings which are so strongly required by the true interests of the two countries. With Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists, and our commercial intercourse is gradually expanding itself with them. It is encouraged in all these countries, except Naples, by their mutually advantageous and liberal treaty stipulations with us.

The claims of our citizens on Portugal are admitted to be just, but provision for the payment of them has been unfortunately delayed by frequent political changes in that kingdom.

The blessings of peace have not been secured by Spain. Our connexions with that country are on the best footing, with the exception of the burdens still imposed upon our commerce with her possessions out of Europe.

The claims of American citizens for losses sustained at the bombardment of Antwerp, have been presented to the Governments of Holland and Belgium, and will be pressed, in due season, to settlement.

With Brazil, and all our neighbors of this Continent, we continue to maintain relations of amity and concord, extending our commerce with them as far as the resources of the people and the policy of their Government will permit us. The just and long standing claims of our citizens upon some of them, are yet sources of dis-

satisfaction and complaint. No danger is apprehended, however, that they will not be peacefully, although tardily acknowledged and paid by all, unless the irritating effect of her struggle with Texas should unfortunately make our immediate neighbor, Mexico, an exception.

It is already known to you, by the correspondence between the two Governments communicated at your last session, that our conduct in relation to that struggle is regulated by the same principles that governed us in the dispute between Spain and Mexico herself, and I trust that it will be found, on the most severe scrutiny, that our acts have strictly corresponded with our professions. That the inhabitants of the United States should feel strong prepossessions for the one party is not surprising. But this circumstance should, of itself, teach us great caution, lest it lead us into the great error of suffering public policy to be regulated by partiality or prejudice; and there are considerations connected with the possible result of this contest between the two parties of so much delicacy and importance to the United States, that our character requires that we should neither anticipate events, nor attempt to control them. The known desire of the Texans to become a part of our system, although its gratification depends upon the reconcilement of various conflicting interests, necessarily a work of time, and uncertain in itself, is calculated to expose our conduct to misconstruction in the eyes of the world. There are already those who, indifferent to principle themselves, and prone to suspect the want of it in others, charge us with ambitious designs and insidious policy.

You will perceive by the accompanying documents, that the extraordinary mission from Mexico has been terminated, on the sole grounds, that the obligations of this Government to itself and to Mexico, under treaty stipulations, have compelled me to trust a discretionary authority to a high officer of our army, to advance into territory claimed as part of Texas, if necessary to protect our own or the neighboring frontier from Indian depredation. In the opinion of the Mexican functionary, who has just left us, the honor of his country will be wounded by American soldiers entering, with the

most amicable avowed purposes, upon ground from which the followers of his Government have been expelled, and over which there is at present no certainty of a serious effort on its part being made to re-establish its dominion. The departure of this minister was the more singular, as he was apprized that the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me, and that there was every reason to suppose that the troops of the United States—their commander having had time to ascertain the truth or falsehood of the information upon which they had been marched to Nacogdoches—would be either there in perfect accordance with the principles admitted to be just in his conference with the Secretary of State, by the Mexican Minister himself, or were already withdrawn in consequence of the impressive warnings their commanding officer had received from the Department of War. It is hoped and believed that his Government will take a more dispassionate and just view of this subject, and not be disposed to construe a measure of justifiable precaution, made necessary by its known inablility, in execution of the stipulations of our treaty, to act upon the frontier, into an encroachment upon its rights or a stain upon its honor.

In the mean time, the ancient complaints of injustice, made on behalf of our citizens, are disregarded, and new causes of dissatisfaction have arisen, some of them of a character requiring prompt remonstrance, and ample and immediate redress. I trust, however, by tempering firmness with courtesy, and acting with forbearance upon every incident that has occurred, or that may happen, to do and to obtain justice, and thus avoid the necessity of again bringing this subject to the view of Congress.

It is my duty to remind you that no provision has been made to execute our treaty with Mexico for tracing the boundary line between the two countries. Whatever may be the prospect of Mexico's soon being able to execute the treaty on its part, it is proper that we should be, in anticipation, prepared at all times to perform our obligations, without regard to the probable condition of those with whom we have contracted them.

The result of the confidential inquiries made into the condition and prospects of the newly declared Texan Government, will be communicated to you in the course of the session.

Commercial treaties, promising great advantages to our enterprising merchants and navigators, have been formed with the distant Governments of Muscat and Siam. The ratifications have been exchanged, but have not reached the Department of State. Copies of the treaties will be transmitted to you, if received before, or published, if arriving after, the close of the present session of Congress.

Nothing has occurred to interrupt the good understanding that has long existed with the Barbary Powers, nor to check the good will which is gradually growing up in our intercourse with the dominions of the Government of the distinguished chief of the Ottoman Empire.

Information has been received at the Department of State that a treaty with the Emperor of Morocco has just been negotiated, which, I hope, will be received in time to be laid before the Senate previous to the close of the session.

You will perceive, from the report of the Secretary of the Treasury, that the financial means of the country continue to keep pace with its immprovement in all other respects. The receipts into the Treasury during the present year will amount to about $47,691,898; those from customs being estimated at $22,523,151, those from lands at about $24,000,000; and the residue from miscellaneous sources. The expenditures for all objects during the year, are estimated not to exceed $32,000,000, which will leave a balance in the Treasury for public purposes, on the 1st day of January next, of about $41,723,959. This sum, with the exception of five millions, will be transferred to the several States, in accordance with the provisions of the act regulating the deposits of the public money.

The unexpended balances of appropriation on the 1st day of January next, are estimated at $14,636,062, exceeding by $9,636,062 the amount which will be left in the deposite banks, subject to the draft of the Treasurer

of the United States, after the contemplated transfers to the several States are made. If, therefore, the future receipts should not be sufficient to meet these outstanding and future appropriations, there may be soon a necessity to use a portion of the funds deposited with the States.

The consequences apprehended when the deposite act of the last session received a reluctant approval, have been measurably realized. Though an act merely for the deposite of the surplus moneys of the United States in the State treasuries for safe keeping, until they may be wanted for the service of the General Government, it has been extensively spoken of as an act to give the money to the several States, and they have been advised to use it as a gift, without regard to the means of refunding it when called for. Such a suggestion has doubtless been made without a due consideration of the obligation of the deposite act, and without a proper attention to the various principles and interests which are affected by it. It is manifest, that the law itself cannot sanction such a suggestion, and that, as it now stands, the States have no more authority to receive and use these deposits, without intending to return them, than any deposite bank, or any individual temporarily charged with the safe-keeping or application of the public money, would now have for converting the same to their private use, without the consent and against the will of the Government. But independently of the violation of public faith and moral obligation which are involved in this suggestion, when examined in reference to the terms of the present deposite act, it is believed that the considerations which should govern the future legislation of Congress on this subject, will be equally conclusive against the adoption of any measure recognizing the principles on which the suggestion has been made.

Considering the intimate connexion of the subject with the financial interests of the country, and its great importance in whatever aspect it can be viewed, I have bestowed upon it the most anxious reflection, and feel it to be my duty to state to Congress such thoughts as have occurred to me, to aid their deliberation in treating it

in the manner best calculated to conduce to common good.

The experience of other nations admonished us to hasten the extinguishment of the public debt; but it will be in vain that we have congratulated each other upon the disappearance of this evil, if we do not guard against the equally great one of promoting the unnecessary accumulation of public revenue. No political maxim is better established than that which tells us that an improvident expenditure of money is the parent of profligacy, and that no people can hope to perpetuate their liberties, who long acquiesce in a policy which taxes them for objects not necessary to the legitimate and real wants of their Government. Flattering as is the condition of our country at the present period, because of its unexampled advance in all the steps of social and political improvement, it cannot be disguised that there is a lurking danger already apparent in the neglect of this warning truth, and that the time has arrived when the representatives of the people should be employed in devising some more appropriate remedy than now exists, to avert it.

Under our present revenue system, there is every probability that there will continue to be a surplus beyond the wants of the Government: and it has become our duty to decide whether such a result be consistent with the true objects of our Government.

Should a surplus be permitted to accumulate beyond the appropriations, it must be retained in the Treasury as it now is, or distributed among the people or the States.

To retain it in the Treasury unemployed in any way, is impracticable. It is, besides, against the genius of our free institutions to lock up in vaults the treasure of the nation. To take from the people the right of bearing arms, and put their weapons of defence in the hands of a standing army, would be scarcely more dangerous to their liberties, than to permit the Government to accumulate immense amounts of treasure beyond the supplies necessary to its legitimate wants. Such a treasure would doubtless be employed at some time, as it has been in other countries, when opportunity tempted ambition.

To collect it merely for distribution to the States, would seem to be highly impolitic, if not as dangerous as the proposition to retain it in the Treasury. The shortest reflection must satisfy every one, that to require the people to pay taxes to the Government merely that they may be paid back again, is sporting with the substantial interests of the country, and no system which produces such a result can be expected to receive the public countenance. Nothing could be gained by it, even if each individual who contributed a portion of the tax, could receive back promptly the same portion. But, it is apparent, that no system of the kind can ever be enforced which will not absorb a considerable portion of the money to be distributed in salaries and commissions to the agents employed in the process, and in the various losses and depreciations which arise from other causes; and the practical effect of such an attempt must ever be to burden the people with taxes, not for purposes beneficial to them, but to swell the profits of deposite banks and support a band of useless public officers.

A distribution to the people is impracticable and unjust in other respects. It would be taking one man's property, and giving it to another. Such would be the unavoidable result of a rule of equality, (and none other is spoken of, or would be likely to be adopted,) inasmuch as there is no mode by which the amount of the individual contributions of our citizens to the public revenue can be ascertained. We know that they contribute *unequally;* and a rule, therefore, that would distribute to them *equally* would be liable to all the objections which apply to the principle of an equal division of property. To make the General Government the instrument of carrying this odious principle into effect, would be at once to destroy the means of its usefulness and change the character designed for it by the framers of the Constitution.

But the more extended and injurious consequences likely to result from a policy which would collect a surplus revenue for the purpose of distributing it, may be forcibly illustrated by an examination of the effects already produced by the present deposite act. This act,

although certainly designed to secure the safe keeping of the public revenue, is not entirely free in its tendencies from many of the objections which apply to this principle of distribution. The Government had, without necessity, received from the people a large surplus, which, instead of being employed as heretofore, and returned to them by means of the public expenditure, was deposited with sundry banks. The banks proceeded to make loans upon this surplus, and thus converted it into banking capital; and in this manner it has tended to multiply bank charters, and has had a great agency in producing a spirit of wild speculation. The possession and use of the property out of which this surplus was created, belonged to the people; but the Government has transferred its possession to incorporated banks, whose interest and effort it is to make large profits out of its use. This process need only be stated to show its injustice and bad policy.

And the same observations apply to the influence which is produced by the steps necessary to collect as well as to distribute such a revenue. About three-fifths of all the duties on imports are paid in the city of New-York; but it is obvious that the means to pay those duties are drawn from every quarter of the Union. Every citizen in every State, who purchases and consumes an article which has paid a duty at that port, contributes to the accumulating mass. The surplus collected there, must therefore, be made up of moneys or property withdrawn from other points and other States. Thus the wealth and business of every region from which these surplus funds proceed, must be to some extent injured, while that of the place where the funds are concentrated and are employed in banking, are proportionably extended. But both in making the transfer of the funds which are first necessary to pay the duties and collect the surplus, and in making the re-transfer which becomes necessary when the time arrives for the distribution of that surplus, there is a considerable period when the funds cannot be brought into use; and it is manifest that besides the loss inevitable from such an operation, its tendency is to produce fluctuations in the business of the country, which

are always productive of speculation and detrimental to the interests of regular trade. Argument can scarcely be necessary to show, that a measure of this character ought not to receive further legislative encouragement.

By examining the practical operation of the ratio for distribution adopted in the deposite bill of the last session, we shall discover other features that appear equally objectionable. Let it be assumed, for the sake of argument, that the surplus moneys to be deposited with the States have been collected and belong to them in the ratio of their federal representative population—an assumption founded upon the fact that any deficiencies in our future revenue from imposts and public lands, must be made up by direct taxes collected from the States in that ratio. It is proposed to distribute the surplus, say $30,000,000, not according to the ratio in which it has been collected and belongs to the people of the States, but in that of their votes in the colleges of Electors of President and Vice President. The effect of a distribution upon that ratio is shown by the annexed table marked A.

By an examination of that table, it will be perceived that in the distribution of a surplus of $30,000,000 upon that basis, there is a great departure from the principle which regards representation as the true measure of taxation; and it will be found that the tendency of that departure will be to increase whatever inequalities have been supposed to attend the operation of our federal system in respect to its bearings upon the different interests of the Union. In making the basis of representation the basis of taxation, the framers of the Constitution intended to equalize the burdens which are necessary to support the Government; and the adoption of that ratio, while it accomplished this object, was also the means of adjusting other great topics arising out of the conflicting views respecting the political equality of the various members of the confederacy. Whatever, therefore, disturbs the liberal spirit of the compromises which established a rule of taxation so just and equitable, and which experience has proved to be so well adapted to the

genius and habits of our people, should be received with the greatest caution and distrust.

A bare inspection, in the annexed table, of the differences produced by the ratio used in the deposite act, compared with the results of a distribution according to the ratio of direct taxation, must satisfy every unprejudiced mind, that the former ratio contravenes the spirit of the Constitution, and produces a degree of injustice in the operation of the Federal Government which would be fatal to the hope of perpetuating it. By the ratio of direct taxation, for example, the State of Delaware, in the collection of $30,000,000 of revenue, would pay into the Treasury $188,716; and in the distribution of $30,000,000 she would receive back from the Government, according to the ratio of the deposite bill, the sum of $306,122; and similar results would follow the comparison between the small and the large States throughout the Union; thus realizing to the small States an advantage which would be doubtless as unacceptable to them as a motive for incorporating the principle in any system which would produce it, as it would be inconsistent with the rights and expectations of the large States. It was certainly the intention of that provision of the Constitution which declares that "all duties, imposts and excises" shall "be uniform throughout the United States," to make the burdens of taxation fall equally upon the people in whatever State of the Union they may reside. But what would be the value of such a uniform rule, if the moneys raised by it could be immediately returned by a different one, which will give to the people of some States much more, and to those of others much less, than their fair proportions? Were the Federal Government to exempt, in express terms, the imports, products and manufactures of some portions of the country from all duties, while it imposed heavy ones on others, the injustice could not be greater. It would be easy to show how, by the operation of such a principle, the large States of the Union would not only have to contribute their just share towards the support of the Federal Government, but also have to bear in some degree the taxes necessary to support the Governments of their

smaller sisters; but it is deemed unnecessary to state the details where the general principle is so obvious.

A system liable to such objections can never be supposed to have been sanctioned by the framers of the Constitution, when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised, of collecting revenue, for the purpose of distributing it. Congress is only authorized to levy taxes "*to pay the debts and provide for the common defence and general welfare of the United States.*" There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it equally or unequally among the States or the people. Indeed, it is not probable that such an idea ever occurred to the States when they adopted the Constitution. But, however this may be, the only safe rule for us in interpreting the powers granted to the Federal Government, is, to regard the absence of express authority to touch a subject so important and delicate as this is, as equivalent to a prohibition.

Even if our powers were less doubtful in this respect, as the Constitution now stands, there are considerations afforded by recent experience, which would seem to make it our duty to avoid a resort to such a system.

All will admit that the simplicity and economy of the State Governments mainly depend on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase of taxes; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self-interest, the agents of the people in the State Governments are repressed, and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations, and thrown upon a more distant and less responsible set of public agents,

who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supercede those characteristics which have thus far made us look with so much pride and confidence to the State Governments as the mainstay of our union and liberties. The State Legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion and harass the General Government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity as well as their independence; they would not dare to murmur at the proceedings of the General Government, lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which could only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the old world.

In all the other aspects in which I have been able to look at the effect of such a principle of distribution upon the best interests of the country, I can see nothing to compensate for the disadvantages to which I have adverted. If we consider the protective duties, which are, in a great degree, the source of the surplus revenue, beneficial to one section of the Union and prejudicial to another, there is no corrective for the evil in such a plan of distribution. On the contrary, there is reason to fear that all the complaints which have sprung from this cause would be aggravated. Every one must be sensible that a distribution of the surplus must beget a disposition to cherish the means which create it; and any system, therefore, into which it enters, must have a powerful tendency to increase rather than diminish the tariff. If it were even admitted that the advantages of such a system could be made equal to all the sections of the Union, the reasons already so urgently calling for a reduction of the revenue, would, nevertheless, lose none of their force; for it will always be improbable that an intelligent and virtuous community can consent to raise a surplus for

the mere purpose of dividing it, diminished as it must inevitably be by the expenses of the various machinery necessary to the process.

The safest and simplest mode of obviating all the difficulties which have been mentioned is, to collect only revenue enough to meet the wants of the Government, and let the people keep the balance of their property in their own hands, to be used for their own profit. Each State will then support its own Government, and contribute its due share towards the support of the General Government. There would be no surplus to cramp and lessen the resources of individual wealth and enterprise, and the banks would be left to their ordinary means. Whatever agitations and fluctuations might arise from our unfortunate paper system, they could never be attributed, justly or unjustly, to the action of the Federal Government. There would be some guaranty that the spirit of wild speculation which seeks to convert the surplus revenue into banking capital, would be effectually checked, and that the scenes of demorlization which are now so prevalent through the land, would disappear.

Without desiring to conceal that the experience and observation of the last two years have operated a partial change in my views upon this interesting subject, it is nevertheless regretted that the suggestions made by me, in my annual messages of 1829 and 1830, have been greatly misunderstood. At that time the great struggle was begun against that latitudinarian construction of the Constitution which authorizes the unlimited appropriation of the revenues of the Union to internal improvements within the States, tending to invest in the hands, and place under the control, of the General Government, all the principal roads and canals of the country, in violation of State rights, and in derogation of State authority. At the same time, the condition of the manufacturing interest was such as to create an apprehension that the duties on imports could not, without extensive mischief, be reduced in season to prevent the accumlation of a considerable surplus after the payment of the national debt. In view of the dangers of such a surplus, and in preference to its application to internal improvements, in der-

ogation of the rights and powers of the States, the suggestion of an amendment of the Constitution to authorize its distribution, was made. It was an alternative for what were deemed greater evils—a temporary resort to relieve an overburdened Treasury, until the Government could, without a sudden and destructive revulsion in the business of the country, gradually return to the just principle of raising no more revenue from the people, in taxes, than is necessary for its economical support. Even that alternative was not spoken of but in connexion with an amendment of the Constitution. No temporary inconvenience can justify the exercise of a prohibited power, or a power not granted by that instrument; and it was from a conviction that the power to distribute even a temporary surplus of revenue is of that character, that it was suggested only in connexion with an appeal to the source of all legal power in the General Government, the States which have established it. No such appeal has been taken, and, in my opinion, a distribution of the surplus revenue by Congress, either to the States or the people, is to be considered as among the prohibitions of the Constitution. As already intimated, my views have undergone a change, so far as to be convinced that no alteration of the Constitution in this respect is wise or expedient. The influence of an accumulating surplus upon the legislation of the General Government and the States, its effect upon the credit system of the country, producing dangerous extensions and ruinous contractions, fluctuations in the price of property, rash speculation, idleness, extravagance, and a deterioration of morals, have taught us the important lesson, that any transient mischief which may attend the reduction of our revenue to the wants of our Government, is to be borne in preference to an overflowing Treasury.

I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country.

It is apparent, from the whole context of the Constitution, as well as the history of the times which gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals.

These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some States as a tender for debts, or the still more pernicious expedient of a paper currency. The last, from the experience of the evils of the issues of paper during the revolution, had become so justly obnoxious, as not only to suggest the clause in the Constitution forbidding the emission of bills of credit by the States, but also to produce that vote in the convention which negatived the proposition to grant power to Congress to charter corporations; a proposition well understood at the time, as intended to authorize the establishment of a national bank, which was to issue a currency of bank notes, on a capital to be created to some extent out of Government stocks. Although this proposition was refused by a direct vote of the convention, the object was afterwards in effect obtained, by its ingenious advocates, through a strained construction of the Constitution. The debts of the revolution were funded, at prices which formed no equivalent, compared with the nominal amount of the stock, and under circumstances which exposed the motives of some of those who participated in the passage of the act, to distrust.

The facts that the value of the stock was greatly enhanced by the creation of the bank, that it was well understood that such would be the case, and that some of the advocates of the measure were largely benefitted by it, belong to the history of the times, and are well calculated to diminish the respect which might otherwise have been due to the action of the Congress which created the institution.

On the establishment of a national bank, it became the interest of its creditors that gold should be superseded by the paper of the bank as a general currency. A value was soon attached to the gold coins which made their exportation to foreign countries, as a mercantile commodity, more profitable than their retention and use at

home as money. It followed as a matter of course, if not designed by those who established the bank, that the bank became, in effect, a substitute for the mint of the United States.

Such was the origin of a national bank currency, and such the beginning of those difficulties which now appear in the excessive issues of the banks incorporated by the various States.

Although it may not be possible, by any legislative means within our power, to change at once the system which has thus been introduced, and has received the acquiescence of all portions of the country, it is certainly our duty to do all that is consistent with our constitutional obligations, in preventing the mischiefs which are threatened by its undue extension. That the efforts of the fathers of our Government to guard against it by a constitutional provision were founded on an intimate knowledge of the subject, has been frequently attested by the better experience of the country. The same causes which led them to refuse their sanction to a power authorizing the establishment of incorporations for banking purposes, now exist in a much stronger degree to urge us to exert the utmost vigilance in calling into action the means necessary to correct the evils resulting from the unfortunate exercise of the power; and it is to be hoped that the opportunity for effecting this great good will be improved, before the country witnesses new scenes of embarrassment and distress.

Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the c[illegible] lation, and do not control it, it is manifest that p[illegible] must vary according to the tide of bank issues, an[illegible]

value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that, although their wages are nominally the same, or even somewhat higher, they are greatly reduced, in fact, by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly proportioned rate to that of the products of their labor. When thus, by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exhorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries, and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; the next step is a stoppage of specie payment—a total degradation of paper as a currency—unusual depression of prices, the ruin of debtors,

and the accumulation of property in the hands of creditors and cautious capitalists.

It was in view of these evils, together with the dangerous power wielded by the Bank of the United States, and its repugnance to our Constitution, that I was induced to exert the power conferred upon me by the American people to prevent the continuance of that institution. But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the Government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as continue to issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

The effects of an extension of bank credits and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various Registers and Receivers in the early part of last summer, it was perceived that the receipts arising from the sales of the public lands were increasing to an unprecedented amount. In effect, however, these receipts amounted to nothing more than credits in bank. The banks lent out their notes to speculators; they were paid to the Receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the land, and pay the Government by of the banks. Those credits o

the western banks, usually called deposites, were already greatly beyond ther immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely, as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the Government. The spirit of expansion and speculation was not confined to the deposite banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to 'aggravate the evil.

The safety of the public funds, and the interest of the people, generally, required that these operations should be checked; and it became the duty of every branch of the General and State Governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order which will be laid before you by the Secretary of the Treasury, requiring payment for the public lands sold to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and and gave them additional strength in anticipation of the pressure which has since pervaded our eastern, as well as the European commercial cities. By preventing the extension of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship, one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants, at Government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into

the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which will have ensued, much to commend, and nothing to condemn.

It remains for Congress, if they approve the policy which dictated this order, to follow it up in its various bearings. Much good, in my judgment, would be produced by prohibiting sales of the public lands, except to actual settlers, at a reasonable reduction of price, and to limit the quantity which shall be sold to them. Although it is believed the General Government never ought to receive any thing but the constitutional currency in exchange for the public lands, that point would be of less importance if the lands were sold for immediate settlement and cultivation. Indeed, there is scarcely a mischief arising out of our present land system, including the accumulating surplus of revenue, which would not be remedied at once by a restriction on land sales to actual settlers; and it promises other advantages to the country in general, and to the new States in particular, which cannot fail to receive the most profound consideration of Congress.

Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government, at the time of the removal of the deposites. It was alleged by the advocates of the Bank of the United States, that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges

transacted by it, the result will be still more favorable to the deposite banks.

The whole amount of public money transferred by the Bank of the United States in 1832, was $16,000,000. The amount transferred and actually paid by the deposite banks in the year ending the first of October last, was $39,319,899; the amount transferred and paid between that period and the 6th of November, was $5,399,000; and the amount of transfer warrants outstanding on that day, was $14,450,000; making an aggregate of $59,168,894. These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposite act, were generally below those charged by the Bank of the United States. Independently of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposite banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad at their own expense, large sums of the precious metals for coinage and circulation.

In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issues of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect.

In reducing the revenue to the wants of the Government, your particular attention is invited to those articles which constitute the necessaries of life. The duty on salt was laid as a war tax, and was no doubt continued to assist in providing for the payment of the war debt. There is no article, the release of which from taxation would be felt so generally and so beneficially. To this may be added all kinds of fuel and provisions. Jus-

tice and benevolence unite in favor of releasing the poor of our cities from burdens which are not necessary to the support of our Government, and tend only to increase the wants of the destitute.

It will be seen by the report of the Secretary of the Treasury and the accompanying documents, that the Bank of the United States has made no payment on account of the stock held by the Government in that institution, although urged to pay any portion which might suit its convenience; and that it has given no information when payment may be expected. Nor, although repeatedly requested, has it furnished the information in relation to its condition which Congress authorized the Secretary to collect at their last session. Such measures as are within the power of the Executive have been taken to ascertain the value of the stock, and procure the payment as early as possible.

The conduct and present condition of that bank, and the great amount of capital vested in it by the United States, require your careful attention. Its charter expired on the third day of March last, and it has now no power but that given in the 21st section, "to use the corporate name, style, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation." Before the expiration of the charter, the stockholders of the bank obtained an act of incorporation from the Legislature of Pennsylvania, excluding only the United States. Instead of proceeding to wind up their concerns, and pay over to the United States the amount due on account of the stock held by them, the President and Directors of the old bank appear to have transferred the books, papers, notes, obligations, and most or all of its property, to this new corporation, which entered upon business as a continuation of the old concern. Amongst other acts of questionable validity, the notes of the expired corporation are known to have been used as its own,

and again put in circulation. That the old bank had no right to issue or re-issue its notes after the expiration of its charter, cannot be denied; and that it could not confer any such right on its substitute, any more than exercise it itself, is equally plain. In law and honesty, the notes of the bank in circulation, at the expiration of its charter, should have been called in by public advertisement, paid up as presented, and, together with those on hand, cancelled and destroyed. Their reissue is sanctioned by no law, and warranted by no necessity. If the United States be responsible in their stock for the payment of these notes, their re-issue by the new corporation, for their own profit, is a fraud on the Government. If the United States is not responsible, then there is no legal responsibility in any quarter, and it is a fraud on the country. They are the redeemed notes of a dissolved partnership, but contrary to the wishes of the retiring partner, and without his consent, are again re-issued and circulated.

It is the high and peculiar duty of Congress to decide whether any further legislation be necessary for the security of the large amount of public property now held and in use by the new bank, and for vindicating the rights of the Government, and compelling a speedy and honest settlement with all the creditors of the old bank, public and private, or whether the subject shall be left to the power now possessed by the Executive and Judiciary. It remains to be seen whether the persons, who, as managers of the old bank, undertook to control the Government, retained the public dividends, shut their doors upon a committee of the House of Representatives, and filled the country with panic to accomplish their own sinister objects, may now, as managers of a new bank, continue with impunity to flood the country with a spurious currency, use the seven millions of Government stock for their own profit, and refuse to the United States all information as to the present condition of their own property, and the prospect of recovering it into their own posession.

The lessons taught by the Bank of the United States cannot well be lost upon the American people. They

will take care never again to place so tremendous a power in irresponsible hands; and it will be fortunate if they seriously consider the consequences which are likely to result on a smaller scale from the facility with which corporate powers are granted by their State Governments.

It is believed that the law of the last session, regulating the deposite banks, operates onerously and unjustly upon them in many respects; and it is hoped that Congress, on proper representation, will adopt the modifications which are necessary to prevent this consequence.

The report of the Secretary of War *ad interim*, and the accompanying documents, all which are herewith laid before you, will give you a full view of the diversified and important operations of that department during the past year.

The military movements rendered necessary by the aggressions of the hostile portions of the Seminole and Creek tribes of Indians, and by other circumstances, have required the active employment of nearly our whole regular force, including the marine corps, and of large bodies of militia and volunteers. With all these events, so far as they were known at the seat of Government before the termination of your last session, you are already acquainted; and it is therefore only needful in this place to lay before you a brief summary of what has since occurred.

The war with the Seminoles during the summer, was, on our part, chiefly confined to the protection of our frontier settlements from the incursions of the enemy; and, as a necessary and important means for the accomplishment of that end, to the maintenance of the posts previously established. In the course of this duty, several actions took place, in which the bravery and discipline of both officers and men were conspicuously displayed, and which I have deemed it proper to notice, in respect to the former, by the granting of brevet rank for gallant services in the field. But as the force of the Indians was not so far weakened by these partial successes as to lead them to submit, and as their savage inroads were frequently repeated, early measures were taken for placing at the disposal of Governor Call, who, as com-

mander-in-chief of the territorial militia, had been temporarily invested with the command, an ample force, for the purpose of resuming offensive operations, in the most efficient manner, so soon as the season should permit. Major General Jessup was also directed, on the conclusion of his duties in the Creek country, to repair to Florida, and assume the command.

The result of the first movement made by the forces under the direction of Governor Call, in October last, as detailed in the accompanying papers, excited much surprise and disappointment. A full explanation has been required of the causes which led to the failure of that movement, but has not yet been received. In the mean time, as it was feared that the health of Governor Call, who was understood to have suffered much from sickness, might not be adequate to the crisis, and as Major General Jessup was known to have reached Florida, that officer was directed to assume the command, and to prosecute all needful operations with the utmost promptitude and vigor. From the force at his disposal, and the dispositions he has made, and is instructed to make, and from the very efficient measures which it is since ascertained have been taken by Governor Call, there is reason to hope that they will soon be enabled to reduce the enemy to subjection. In the mean time, as you will perceive, from the report of the Secretary, there is urgent necessity for further appropriations to suppress these hostilities.

Happily for the interests of humanity, the hostilities with the Creeks were brought to a close soon after your abjournment, without that effusion of blood which at one time was apprehended as inevitable. The unconditional submission of the hostile party was followed by their speedy removal to the country assigned them west of the Mississippi. The inquiry as to alledged frauds in the purchase of the reservations of these Indians, and the causes of their hostilities, requested by the resolution of the House of Representatives of the 1st of July last, to be made by the President, is now going on, through the agency of commissioners appointed for that purpose.

Their report may be expected during your present session.

The difficulties apprehended in the Cherokee country have been prevented, and the peace and safety of that region and its vicinity effectually secured, by the timely measures taken by the War Department, and still continued.

The discretionary authority given to General Gaines to cross the Sabine, and to occupy a position as far west as Nacogdoches, in case he should deem such a step necessary to the protection of the frontier, and to the fulfilment of the stipulations contained in our treaty with Mexico, and the movement subsequently made by that officer, have been alluded to in a former part of this message. At the date of the latest intelligence from Nacogdoches, our troops were yet at that station; but the officer who has succeeded General Gaines has recently been advised, that, from the facts known at the seat of Government, there would seem to be no adequate cause for any longer maintaining that position; and he was accordingly instructed, in case the troops were not already withdrawn under the discretionary powers before possessed by him, to give the requisite orders for that purpose, on the receipt of the instructions, unless he shall then have in his possession such information as shall satisfy him that the maintenance of the post is essential to the protection of our ftontiers, and to the due execution of our treaty stipulations, as previously explained to him.

Whilst the necessities existing during the present year, for the service of militia and volunteers, have furnished new proofs of the patriotism of our fellow-citizens, they have also strongly illustrated the importance of an increase in the rank and file of the regular army. The views of this subject, submitted by the Secretary of War in his report, meet my entire concurrence, and are earnestly commended to the deliberate attention of Congress. In this connexion it is also proper to remind you, that the defects in our present militia system are every day rendered more apparent. The duty of making further provision by law, for organizing, arming, and disciplining this arm of defence, has been so repeatedly present-

ed to Congress by myself and my predecessors, that I deem it sufficient, on this occasion, to refer to the last annual message and to former Executive communications, in which the subject has been discussed.

It appears, from the reports of the officers charged with mustering into service the volunteers called for under the act of Congress of the last session, that more presented themselves at the place of rendezvous in Tennessee, than were sufficient to meet the requisition which had been made by the Secretary of War upon the Governor of that State. This was occasioned by the omission of the Governor to apportion the requisition to the different regiments of militia, so as to obtain the proper number of troops and no more. It seems but just to the patriotic citizens who repaired to the general rendezvous, under circumstances authorizing them to believe that their services were needed, and would be accepted, that the expenses incurred by them, while absent from their homes, should be paid by the Government. I accordingly recommend that a law to this effect be passed by Congress, giving them a compensation which will cover their expenses on the march to and from the place of rendezvous, and while there; in connexion with which, it will also be proper to make provision for such other equitable, claims, growing out of the service of the militia, as may not be embraced in the existing laws.

On the unexpected breaking out of hostilities in Florida, Alabama, and Georgia, it became necessary, in some cases, to take the property of individuals for public use. Provision should be made, by law, for indemnifying the owners; and I would also respectfully suggest, whether some provision may not be made, consistently with the principles of our government, for the relief of the sufferers by Indian depredations, or by the operations of our own troops.

No time was lost, after the making of the requisite appropriations, in resuming the great national work of completing the unfinished fortifications on our seaboard, and of placing them in a proper state of defence. In consequence, however, of the very late day at which those bills were passed, but little progress could be made during

the season which has just closed. A very large amount of the moneys granted at your last session accordingly remains unexpended; but as the work will be again resumed at the earliest moment in the coming spring, the balance of the existing appropriations, and in several cases which will be laid before you, with the proper estimates, further sums for the like objects, may be usefully expended during the next year.

The recommendations of an increase in the engineer corps, and for a re-organization of the topographical corps, submitted to you in my last annual message, derive additional strength from the great embarrassments experienced during the present year in those branches of the service, and under which they are now suffering. Several of the most important surveys and constructions, directed by recent laws, have been suspended, in consequence of the want of adequate force in these corps.

The like observations may be applied to the ordnance corps, and the general staff, the operations of which, as they are now organized, must either be frequently interrupted, or performed by officers taken from the line of the army, to the great prejudice of the service.

For a general view of the condition of the Military Academy, and of other branches of the military service not already noticed, as well as for fuller illustrations of those which have been mentioned, I refer you to the accompanying documents; and among the various proposals contained therein, for legislative action, I would particularly notice the suggestion of the Secretary of War, for the revision of the pay of the army, as entitled to your favorable regard.

The national policy, founded alike in interest and in humanity, so long and so steadily pursued by this Government, for the removal of the Indian tribes originally settled on this side of the Mississippi to the west of that river, may be said to have been consummated by the conclusion of the late treaty with the Cherokees. The measures taken in the execution of that treaty, and in relation to our Indian affairs generally, will fully appear by referring to the accompanying papers. Without dwelling on the numerous and important topics embraced in

them, I again invite your attention to the importance of providing a well-digested and comprehensive system for the protection, supervision, and improvement of the various tribes now planted in the Indian country. The suggestions submitted by the Commissioner of Indian Affairs, and enforced by the Secretary, on this subject, and also in regard to the establishment of additional military posts in the Indian country, are entitled to your profound consideration. Both measures are necessary, for the double purpose of protecting the Indians from intestine war, and in other respects complying with our engagements to them, and of securing our western frontier against incursions which otherwise will assuredly be made on it. The best hopes of humanity in regard to the aboriginal race, the welfare of our rapidly extending settlements, and the honor of the United States, are all deeply involved in the relations existing between this Government and the emigrating tribes. I trust, therefore, that the various matters submitted in the accompanying documents, in respect to those relations, will receive your early and mature deliberation; and that it may issue in the adoption of legislative measures adapted to the circumstances and duties of the present crisis.

You are referred to the Report of the Secretary of the Navy for a satisfactory view of the operations of the department under his charge, during the present year. In the construction of vessels at the different navy yards, and in the employment of our ships and squadrons at sea, that branch of the service has been actively and usefully employed. While the situation of our commercial interests in the West Indies required a greater number than usual of armed vessels to be kept on that station, it is gratifying to perceive that the protection due to our commerce in other quarters of the world has not proved insufficient. Every effort has been made to facilitate the equipment of the exploring expedition authorized by the act of the last session, but all the preparation necessary to enable it to sail has not yet been completed. No means will be spared by the Government to fit out the expedition on a scale corresponding with the liberal ap-

propriation for the purpose, and with the elevated character of the objects which are to be effected by it.

I beg leave to renew the recommendation made in my last annual message respecting the enlistment of boys in our naval service, and to urge upon your attention the necessity of further appropriations to increase the number of ships afloat, and to enlarge generally the capacity and force of the navy. The increase of our commerce, and our position in regard to the other powers of the world, will always make it our policy and interest to cherish the great naval resources of our country.

The report of the Postmaster General presents a gratifying picture of the condition of the Post Office Department. Its revenues for the year ending the 30th of June last were $3,398, 455 19, showing an increase of revenue, over that of the preceding year, of $404,878 53, or more than thirteen per cent. The expenditures for the same year were $2,755,623 76, exhibiting a surplus of $642,831 43. The department has been redeemed from embarrassment and debt; has accumulated a surplus exceeding half a million of dollars; has largely extended, and is preparing still farther to extend, the mail service; and recommends a reduction of postages equal to about twenty per cent. It is practicing upon the great principle which should control every branch of our Government, of rendering to the public the greatest good possible, with the least possible taxation to the people.

The scale of postages, suggested by the Postmaster General, recommends itself, not only by the reduction it proposes, but by the simplicity of its arrangement, its conformity with the Federal currency, and the improvement it will introduce into the accounts of the department and its agents.

Your particular attention is invited to the subject of mail contracts with rail-road companies. The present laws providing for the making of contracts are based upon the presumption that competition among bidders will secure the service at a fair price. But on most of the rail-road lines, there is no competition in that kind of

transportation, and advertising is therefore useless. No contract can now be made with them, except such as shall be negotiated before the time of offering or aftewards, and the power of the Postmaster General to pay them high prices is, practically, without limitation. It would be a relief to him, and no doubt would conduce to the public interest, to prescribe by law some equitable basis upon which such contracts shall rest, and restrict him by a fixed rule of allowance. Under a liberal act of that sort, he would undoubtedly be able to secure the services of most of the rail-road companies, and the interest of the department would be thus advanced.

The correspondence between the people of the United States and the European nations, and particularly with the British islands, has become very extensive, and requires the interposition of Congress to give it security. No obstacle is perceived to an interchange of mails between New-York and Liverpool, or other foreign ports, as proposed by the Postmaster General. On the contrary, it promises, by the security it will afford, to facilitate commercial transactions, and give rise to an enlarged intercourse among the people of different nations, which cannot but have a happy effect. Through the city of New-York, most of the correspondence between the Canadas and Europe is now carried on, and urgent representations have been received from the head of the Provincial Post Office, asking the interposition of the United States to guard it from the accidents and losses to which it is now subjected. Some legislation appears to be called for, as well by our own interest, as by comity to the adjoining British Provinces.

The expediency of providing a fire-proof building for the important books and papers of the Post Office Department is worthy of consideration. In the present condition of our Treasury, it is neither necessary nor wise to leave essential public interests exposed to so much danger, when they can so readily be made secure. There are weighty considerations in the location of a new building for that department, in favor of placing it near the other Executive buildings.

The important subjects of a survey of the coast, and the manufacture of a standard of weights and measures for the different custom-houses, have been in progress for some years, under the general direction of the Executive, and the immediate superintendence of a gentleman possessing high scientific attainments. At the last session of Congress, the making of a set of weights and measures for each State in the Union was added to the others by a joint resolution.

The care and correspondence, as to all these subjects, have been devolved on the Treasury Department during the last year. A special report from the Secretary of the Treasury will soon be communicated to Congress, which will show what has been accomplished as to the whole—the number and compensation of the persons now employed in these duties, and the progress expected to be made during the ensuing year—with a copy of the various correspondence deemed necessary to throw light on the subjects which seem to require additional legislation. Claims have been made for retrospective allowances in behalf of the superintendent and some of his assistants, which I did not feel justified in granting; other claims have been made for large increases in compensation, which, under all the circumstances of the several cases, I declined making without the express sanction of Congress. In order to obtain that sanction, the subject was, at the last session, on my suggestion, and by request of the immediate superintendent, submitted by the Treasury Department to the Committee of Commerce of the House of Representatives. But no legislative action having taken place, the early attention of Congress is now invited to the enactment of some express and detailed provisions in relation to the various claims made for the past, and to the compensation and allowances deemed proper for the future.

It is further respectfully recommended, that, such being the inconvenience of attention to these duties by the Chief Magistrate, and such the great pressure of business on the Treasury Department, the general supervision of the coast survey, and the completion of the weights

and measures, if the works are kept united, should be devolved on a board of officers, organized especially for that purpose, or on the Navy Board attached to the Navy Department.

All my experience and reflection confirm the conviction I have so often expressed to Congress in favor of an amendment of the Constitution which will prevent, in any event, the election of the President and Vice President of the United States devolving on the House of Representatives and the Senate; and I therefore beg leave again to solicit your attention to the subject. There were various other suggestions in my last annual message not acted upon, particularly that relating to the want of uniformity in the laws of the District of Columbia, that are deemed worthy of your favorable consideration.

Before concluding this paper, I think it due to the various executive departments to bear testimony to their prosperous condition, and to the ability and integrity with which they have been conducted. It has been my aim to enforce in all of them a vigilant and faithful discharge of the public business, and it is gratifying to me to believe that there is no just cause of complaint from any quarter, at the manner in which they have fulfilled the objects of their creation.

Having now finished the observations deemed proper on this, the last occasion I shall have of communicating with the two Houses of Congress at their meeting, I cannot omit an expression of the gratitude which is due to the great body of my fellow-citizens, in whose partiality and indulgence I have found encouragement and support in the many difficult and trying scenes through which it has been my lot to pass during my public career. Though deeply sensible that my exertions have not been crowned with a success corresponding to the degree of favor bestowed upon me, I am sure that they will be considered as having been directed by an earnest desire to promote the good of my country; and I am consoled by the persuasion, that whatever errors have been committed, will find a corrective in the intelligence and patriotism of those who will succeed us. All that has occurred dur-

ing my administration is calculated to inspire me with increased confidence in the stability of our institutions; and should I be spared to enter upon that retirement which is so suitable to my age and infirm health, and so much desired by me in other respects, I shall not cease to invoke that beneficent Being, to whose providence we are already so signally indebted, for the continuance of his blessings on our beloved country.

MESSAGE IN RELATION TO TEXAS.

DECEMBER 21, 1836.

To the Senate of the United States:

During the last session information was given to Congress by the Executive, that measures had been taken to ascertain "the political, military, and civil condition of Texas." I now submit, for your consideration, extracts from the report of the agent who had been appointed to collect it, relative to the condition of that country.

No steps have been taken by the Executive towards the acknowledgement of the independence of Texas; and the whole subject would have been left without further remark, on the information now given to Congress, were it not that the two Houses, at their last session, acting separately, passed resolutions "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information should be received that it had in successful operation a civil Government, capable of performing the duties, and fulfilling the obligations of an independent Power." This mark of interest in the question of the independence of Texas, and indication of the views of Congress, make it proper that I should, somewhat in detail, present the considerations that have governed the Executive in continuing to occupy the ground previously taken in the contest between Mexico and Texas.

The acknowledgement of a new State as independent, and entitled to a place in the family of nations, is at all times an act of great delicacy and responsibility; but more especially so when such State has forcibly separated itself from another, of which it had formed an internal part, and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the Government of foreign nations, whether of the old or the new world have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession, to enable them, not only to decide correctly,but to shield their decisions from every unworthy imputation. In all the contests that have arisen out of the Revolution of France, out of the disputes relating to the crowns of Portugal and Spain, out of the revolutionary movements in those kingdoms, out of the separation of the American possessions of both from the European Governments, and out of the numerous and constantly occurring struggles for dominion in Spanish America, so wisely consistent with our just principles, has been the action of our Government, that we have, under the most critical circumstances, avoided all censure, and encountered no other evil than that produced by a transient estrangement of good will in those against whom we have been, by force of evidence compelled to decide.

It has thus been made known in the world, that the uniform policy and practice of the United States, is to avoid all interference in disputes which merely relate to the internal government of other nations, and eventually to recognise the authority of the prevailing party without reference to our particular interests and views, or to the merits of the original controversy. Public opinion here is so firmly established and well understood in favor of this policy, that no serious disagreement has ever arisen among ourselves in relation to it, although brought under review in a variety of forms, and at periods when the

minds of the people were greatly excited by the aggitation of topics purely domestic in their character. Nor has any deliberate inquiry ever been instituted in Congress, or in any part of our legislative bodies, as to whom belonged the power of originally recognising a new State — a power, the exercise of which is equivalent under some circumstances, to a declaration of war—a power no where expressly delegated and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress; in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers; and in that conferred on the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives, it is distinctly intimated that the expediency of recognising the independence of Texas should be left to the decision of Congress. In this view, on the ground of expediency, I am disposed to concur: and do not, therefore, consider it necessary to express an opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution, and most safe, that it should be exercised when probably leading to war with a previous understanding with that body by whom war can alone be declared, and by whom all the provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union, and in the other the People of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our country, and a perfect guaranty to all other nations of the Justice and prudence of the measures which might be adopted.

In making these suggestions, it is not my purpose to relieve myself from the responsibility of expressing my

own opinions of the course the interests of our country prescribe, and its honor permits us to follow.

It is scarcely to be imagined that a question of this character could be presented, in relation to which it would be difficult for the United States to avoid exciting the suspicion and jealousy of other powers, and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

In the contest between Spain and her revolted colonies we stood aloof, and waited not only until the ability of the new States to protect themselves was fully established, but until the danger of their being again subjugated had entirely passed away. Then, and not till then, were they recognized. Such was our course in regard to Mexico herself. The same policy was observed in all the disputes growing out of the separation into distinct governments of those Spanish American States who began, or carried on the contest with the parent country, united under one form of Government. We acknowledged the separate independence of New Grenada, of Venezuela, and of Equador, only after their independent existence was no longer a subject of dispute, or was actually acquiesced in by those with whom they had been previously united. It is true that, with regard to Texas, the civil authority of Mexico has been expelled, its invading army defeated, and the Chief of the Republic himself captured, and all present power to crontrol the newly organized Government of Texas annihilated within its confines. But on the other hand, there is, in appearance at least, an immense disparity of physical force on the side of Mexico. The Mexican Republic, under another Executive, is rallying its forces under a new leader, and menacing a fresh invasion to recover its lost dominion.

Upon the issue of this threatened invasion the independence of Texas may be considered as suspended; and were there nothing peculiar in the relative situation of the United States and Texas, our acknowledgement of its independence at such a crisis, could scarcely be regarded as consistent with that prudent reserve with

which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relation of the two countries which require us to act, on this occasion, with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, cannot but regard with solicitude the prospect of the re-union of the territory to this country. A large portion of its civilized inhabitants are emigrants from the United States; speak the same language with ourselves; cherish the same principles; political and religious; and are bound to many of our citizens by ties of friendship and kindred blood; and more than all it is known that the People of that country have instituted the same form of Government with our own; and have, since the close of your last session, openly resolved, on the acknowledgement by us of their independence, to seek admission into the Union as one of the Federal States. The last circumstance is a matter of peculiar delicacy, and forces upon us considerations of the gravest character. The title of Texas to the territory she claims is identified with her independence; she asks us to acknowledge that title to the territory, with an avowed design to treat immediatelyof its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory, with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof, and maintain our present attitude, if not until Mexico itself, or one of the great foreign powers, shall recognize the independence of the new Government, at least until the lapse of time, or the course of events shall have proved, beyond cavil or dispute, the ability of the People of the country to maintain their separate sovereignty, and to uphold the Government constituted by them. Neither of the contending parties can justly eomplain of this course. By pursuing it, we are but carrying out the long-established policy of the Government—a policy which has secured to us respect and influence abroad and inspired confidence at home.

Having thus discharged my duty, by presenting with simplicity and directness the views which, after much reflection, I have been led to take of this important subject, I have only to add the expression of my confidence that, if Congress shall differ with me upon it, their judgment will be the result of dispassionate, prudent, and wise deliberation; with the assurance that, during the short time I shall continue connected with the Government, I shall promptly and cordially unite with you in such measures as may be deemed best fitted to increase the prosperity and perpetuate the peace of our favored country.

APPENDIX.

PROTEST,

April 15, 1836.

To the Senate of the United States:

It appears by the published journal of the Senate, that on the 26th of December last, a resolution was offered by a member of the Senate, which, after a protracted debate, was, on the twenty-eight day of March last, modified by the mover, and passed by the votes of twenty-six Senators out of forty-six, who were present and voted, in the following words, viz:

"*Resolved*, That the President, in the late Executive proceeding in 'relation to the public revenue, has assumed upon himself authority and 'power not conferred by the Constitution and laws, but in derogation of 'both."

Having had the honor, through the voluntary suffrages of the American People, to fill the office of President of the United States during the period which may be presumed to have been referred to in this resolution, it is sufficiently evident that the censure it inflicts was intended for myself. Without notice, unheard and untried, I thus find myself charged on the records of the Senate, and in a form hitherto unknown in our history, with the high crime of violating the laws and Constitution of my country.

It can seldom be necessary for any Department of the Government, when assailed in conversation, or debate, or by the strictures of the press or of popular assemblies, to step out of its ordinary path for the purpose of vindicating its conduct, or of pointing out any irregularity or injustice in the manner of the attack. But when the chief Executive Magistrate is, by one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and Constitution, it is due to his station, to public opinion, and to proper self-respect, that the officer thus denounced should promptly expose the wrong which has been done.

In the present case, moreover, there is even a stronger necessity for such a vindication. By an express provision of the Constitution, before the President of the United States can enter on the execution of his office, he is required to take an oath or affirmation in the following words:

"I do solemnly swear (or affirm) that I will faithfully execute the office

'of President of the United States; and will, to the best of my ability, 'preserve, protect, and defend, the Constitution of the United States."

The duty of defending, so far as in him lies, the integrity of the Constitution, would indeed have resulted from the very nature of his office; but by thus expressing it in the official oath or affirmation, which, in this respect, differs from that of every other functionary, the founders of our Republic have attested their sense of its importance, and have given to it a peculiar solemnity and force. Bound to the performance of this duty by the oath I have taken, by the strongest obligations of gratitude to the American people, and by the ties which unite my every earthly interest with the welfare and glory of my country; and perfectly convinced that the discussion and passage of the above mentioned resolution were not only unauthorized by the Constitution, but in many respects repugnant to its provisions and subversive of the rights secured by it to other coordinate departments, I deem it an imperative duty to maintain the supremacy of that sacred instrument, and the immunities of the department intrusted to my care, by all means consistent with my own lawful powers, with the rights of others, and with the genius of our civil institutions. To this end, I have caused this, my *solemn protest* against the aforesaid proceedings, to be placed on the files of the Executive Department, and to be transmitted to the Senate.

It is alike due to the subject, the Senate, and the People, that the views which I have taken of the proceedings referred to, and which compel me to regard them in the light which has been mentioned, should be exhibited at length, and with the freedom and firmness which are required by an occasion so unprecedented and peculiar.

Under the Constitution of the United States, the powers and functions of the various departments of the Federal Government, and their responsibilities for violation or neglect of duty, are clearly defined or result by necessary inference. The Legislative power, subject to the qualified negative of the President is vested in the Congress of the United States, composed of the Senate and House of Representatives. The Executive power is vested exclusively in the President, except that in the conclusion of treaties and in certain appointments to office, he is to act with the advice and consent of the Senate. The judicial power is vested exclusively in the Supreme and other Courts of the United States, except in cases of impeachment, for which purpose the accusatory power is vested in the House of Representatives, and that of hearing and determining, in the Senate. But although for the special purposes which have been mentioned, there is an occasional intermixture of the powers of the different departments, yet with these exceptions, each of the three great departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so in the Constitution. In every other respect, each of them is the coequal of the other two, and all are the servants of the American people, without power or right to control or censure each other in the service of their common superior, save only in the manner and to the degree which that superior has prescribed.

The responsibilities of the President are numerous and weighty. He is liable to impeachment for high crimes and misdemeanors, and, on due conviction, to removal from office, and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to the private action of any party who may have been injured by his illegal mandates or instructions, in the same manner and to the same extent as the humblest functionary. In

addition to the responsibilities which may thus be enforced by impeachment, criminal prosecution, or suit at law, he is also accountable at the bar of public opinion, for every act of his administration. Subject only to the restraints of Truth and Justice, the free People of the United States have the undoubted right, as individuals or collectively, orally or in writing, at such times, and in such language and form as they may think proper, to discuss his official conduct, and to express and promulgate their opinions concerning it. Indirectly, also, his conduct may come under review in either branch of the Legislature, or in the Senate when acting in its Executive capacity, and so far as the Executive or legislative proceedings of these bodies may require it, it may be examined by them. These are believed to be the proper and only modes, in which the President of the United States is to be held accountable for his official conduct.

Tested by these principles, the resolution of the Senate is wholly unauthorized by the Constitution, and in derogation of its entire spirit. It assumes that a single branch of the Legislative Department may, for the purposes of a public censure, and without any view to legislation or impeachment, take up, consider, and decide upon, the official acts of the Executive. But in no part of the constitution is the President subjected to any such responsibility; and in no part of that instrument is any such power conferred on either branch of the Legislature.

The justice of these conclusions will be illustrated and confirmed by a brief analysis of the powers of the Senate, and a comparison of their recent proceedings with those powers.

The high functions assigned by the Constitution to the Senate, are in their nature either Legislative, Executive, or Judicial. It is only in the exercise of its Judicial powers, when sitting as a Court for the Trial of Impeachments, that the Senate is expressly authorized and necessarily required to consider and decide upon the conduct of the President, or any other public officer. Indirectly, however, as has already been suggested, it may frequently be called on to perform that office. Cases may occur in the course of its Legislative or Executive proceedings, in which it may be indispensable to the proper exercise of its powers, that should inquire into, and decide upon, the conduct of the President or other public officers: and in every other such case, its constitutional right to do so is cheerfully conceded. But to authorize the Senate to enter on such a task in its Legislative or Executive capacity, the inquiry must actually grow out of and tend to some Legislative or Executive action; and the decision, when expressed, must take the form of some appropriate Legislative or Executive act.

The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution. It asserts no Legislative power; proposes no Legislative action; and neither possesses the form nor any of the attributes of a Legislative measure. It does not appear to have been entertained or passed, with any view or expectation of its issuing in a law or joint resolution, or in any other Legislative action.

Whilst wanting both the form and substance of a Legislative measure, it is equally manifest, that the resolution was not justified by any of the Executive powers conferred on the Senate. These powers relate exclusively to the consideration of treaties and nomination to office, and they are exercised in secret session, and with closed doors. This resolution does not apply to any treaty or nomination, and was passed in a public session.

Nor does this proceeding in any way belong to that class of incidental

resolutions which relate to the officers of the Senate, to their chamber, and other appurtenances, or to subjects of order, and other matters of the like nature—in all which either House may lawfully proceed, without any co-operation with the other, or with the President.

On the contrary, the whole phraseology and sense of the resolution seem to be judicial. Its essence, true character, and only practical effect, are to be found in the conduct which it charges upon the President, in the judgment which it pronounces on that conduct. The resolution, therefore, though discussed and adopted by the Senate in its Legislative capacity, is, in its office, and in all its characteristics, essentially judicial.

That the Senate possess a high Judicial power, and that instances may occur in which the President of the United States will be amenable to it, is undeniable. But under the provisions of the constitution, it would seem to be equally plain that neither the President nor any other officer can be rightfully subjected to the operation of the Judicial power of the Senate, except in the cases and under the forms prescribed by the Constitution.

The Constitution declares that 'the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors'—that the House of Representatives 'shall have the sole power of impeachment'—that the Senate 'shall have the sole power to try all impeachments'—that 'when sitting for that purpose, they shall be on oath or affirmation'—that 'when the President of the United States is tried, the Chief Justice shall preside'—that 'no person shall be convicted without the concurrence of two thirds of the members present'—and that judgment shall not extend further than 'to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States.'

The resolution above quoted, charges in substance that in certain proceedings relating to the public revenue, the President has usurped authority and power not conferred upon him by the Constitution and laws, and that in doing so he violated both. Any such act constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to impeachment by the House of Representatives, and upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the Constitution.

The resolution, then, was in substance an impeachment of the President; and in its passage, amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offence. As such, it is spread upon the journals of the Senate—published to the nation and to the world—made part of our enduring archives—and incorporated in the history of the age. The punishment of removal from office and future disqualification, does not, it is true, follow this decision; nor would it have followed the like decision, if the regular forms of proceeding had been pursued, because the requisite number did not concur in the result. But the moral influence of a solemn declaration, by a majority of the Senate, that the accused is guilty of the offence charged upon him, has been as effectually secured, as if the like declaration had been made upon an impeachment expressed in the same terms. Indeed, a greater practical effect has been gained, because the votes given for the resolution, though not sufficient to authorize a judgment of guilty on an impeachment, were numerous enough to carry that resolution.

That the resolution does not expressly alledge that the assumption of power and authority, which it condemns, was intentional and corrupt, is

no answer to the preceding view of its character and effect. The act thus condemned, necessarily implies volition and design in the individual to whom it is imputed, and being unlawful in its character, the legal conclusion is, that it was prompted by improper motives, and committed with an unlawful intent. The charge is not of a mistake in the exercise of supposed powers, but of the assumption of powers not conferred by the Constitution and laws, but in derogation of both, and nothing is suggested to excuse or palliate the turpitude of the act. In the absence of any such excuse, or palliation, there is only room for one inference; and that is, that the intent was unlawful and corrupt. Besides, the resolution not only contains no mitigating suggestion, but on the contrary, it holds up the act complained of, as justly obnoxious to censure and reprobation; and thus as distinctly stamps it with impurity of motive, as if the strongest epithets had been used.

The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence; but in no part of this proceeding have the directions of the Constitution been observed.

The impeachment, instead of being preferred and prosecuted by the House of Representatives, originated in the Senate, and was prosecuted without the aid or concurrence of the other House. The oath or affirmation prescribed by the Constitution, was not taken by the Senators; the Chief Justice did not preside; no notice of the charge was given to the accused; and no opportunity afforded him to respond to the accusation, to meet his accusers face to face, to cross examine the witnesses, to procure counteracting testimony, or to be heard in his defence. The safeguards and formalities which the Constitution has connected with the power of impeachment, were doubtless supposed by the framers of that instrument, to be essential to the protection of the public servant, to the attainment of justice, and to the order, impartiality, and dignity of the procedure. These safeguards and formalities were not only practically disregarded, in the commencement and conduct of these proceedings, but in their result, I find myself convicted by less than two-thirds of the members present, of an impeachable offence.

In vain may it be alleged in defence of this proceeding, that the form of the resolution is not that of an impeachment, or of a judgment thereupon—that the punishment prescribed in the Constitution does not follow its adoption, or that in this case, no impeachment is to be expected from the House of Representatives. It is because it did not assume the form of an impeachment, that it is the more palpably repugnant to the Constitution—for it is through that form only that the President is judicailly responsible to the Senate; and though neither removal from office, or future disqualification ensues, yet it is not to be presumed, that the framers of the Constitution considered either or both of these results as constituting the whole of the punishment they prescribed. The judgment of guilty by the highest tribunal in the Union; the stigma it would inflict on the offender, his family and fame; and the perpetual record on the journal, handing down to future generations the story of his disgrace, were doubtless regarded by them as the bitterest portions, if not the very essence of that punishment. So far, therefore, as some of its most material parts are concerned, the passage recording, and promulgation of the resolution, are an attempt to bring them on the President, in a manner unauthorized by the Constitution. To shield him and other officers who are liable to impeachment, from consequences so momentous, except when really merited by official delinquencies, the Constitution has most cautiously guarded the whole pro-

cess of impeachment. A majority of the House of Representatives must think the officer guilty before he can be charged. Two thirds of the senate must pronounce him guilty or he is deemed to be innocent. Forty-six Senators appear by the journal to have been present when the vote on the resolution was taken. If after all the solemnities of an impeachment, thirty of those Senators had voted that the President was guilty, yet would he have been acquitted—but by the mode of proceeding adopted in the present case, a lasting record of conviction has been entered up by the votes of twenty six Senators, without an impeachment or trial; whilst the Constitution expressly declares that to the entry of such a judgment, an accusation by the House of Representatives, a trial by the Senate, and a concurrence of two thirds in the vote of guilty, shall be indispensable pre-requisites.

Whether or not an impeachment was to be expected from the House of Representatives, was a point on which the Senate had no constitutional right to speculate, and in respect to which, even had it possessed the spirit of prophecy, its anticipations would have furnished no just grounds for this procedure. Admitting that there was reason to believe that a violation of the Constitution and laws had been actually committed by the President, still it was the duty of the Senate, as his sole Constitutional judges, to wait for an impeachment until the other house should think proper to prefer it. The members of the Senate could have no right to infer that no impeachment was intended. On the contrary, every legal and rational presumption on their part ought to have been, that if there was good reason to believe him guilty of an impeachable offence, the House of Representatives would perform its Constitutional duty, by arraigning the offender before the justice of his country. The contrary presumption would involve an implication derogatory to the integrity and honor of the Representatives of the people. But suppose the suspicion thus implied were actually entertained, and for good cause, how can it justify the assumption by the Senate of powers not conferred by the Constitution?

It is only necessary to look at the condition in which the Senate and the President have been placed by this procedure, to perceive its utter incompatibility with the provisions and spirit of the Constitution, and with the plainest dictates of humanity and justice.

If the House of Representatives shall be of opinion that there is just ground for the censure pronounced upon the President, then will it be the solemn duty of the House to prefer the proper accusation, and to cause him to be brought to trial by the Constitutional tribunal. But in what condition would he find that tribunal? A majority of its members have already considered the case, and have not only formed but expressed a deliberate judgment upon its merits. It is the policy of our benign systems of jurisprudence, to secure in all criminal proceedings, and even in the most trivial litigations, a fair, unprejudiced, and impartial trial. And surely it cannot be less important that such a trial should be secured to the highest officer of the government.

The Constitution makes the House of Representatives the exclusive judges, in the first instance of the question, whether the President has committed an impeachable offence. A majority of the Senate, whose interference with this preliminary question, has for the best of all reasons, been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case. Thus presenting the appalling spectacle in

a free state, of judges going through a labored preparation for an impartial hearing and decision, by a previous *ex parte* investigation and sentence against the supposed offender.

There is no settled axiom in that Government whence we derive the model of this our Constitution, than, " that the lords cannot impeach any to themselves, nor join in the accusation, *because they are judges.*" Independently of the general reasons on which this rule is founded, its propriety and importance are greatly increased by the nature of the impeaching power. The power of arraigning the high officers of government, before a tribunal whose sentence may expel them from their seats and brand them as infamous, is eminently a popular remedy—a remedy designed to be employed for the protection of private right and public liberty, against the abuses of injustice and the encroachments of arbitrary power. But the framers of the Constitution were also undoubtedly aware, that this formidable instrument had been, and might be abused; and that from its very nature, an impeachment for high crimes and misdemeanors, whatever might be its result, would in most cases be accompanied by so much of dishonor and reproach, solicitude and suffering, as to make the power of preferring it, one of the highest solemnity and importance. It was due to both these considerations that the impeaching power should be lodged in the hands of those who, from the mode of their election and the tenor of their offices, would most accurately express the popular will, and at the same time be most directly and speedily amenable to the people. The theory of these wise and benignant intentions is, in the present case, effectually defeated by the proceedings of the Senate. The members of that body, represent not the people, but the States; and though they are undoubtedly responsible to the States, yet, from their extended term of service, the effect of that responsibility, during the whole period of that term, must very much depend upon their own impressions of its obligatory force. When a body, thus constituted, expresses beforehand its opinion in a particular case, and thus indirectly invites a prosecution, it not only assumes a power intended for wise reasons to be confined to others, but it shields the latter from that exclusive and personal responsibility under which it was intended to be exercised, and reverses the whole scheme of this part of the Constitution.

Such would be some of the objections to this procedure, even if it were admitted that there is just ground for imputing to the President, the offences charged in the resolution. But if on the other hand, the House of Representatives shall be of opinion that there is no reason for charging them upon him, and shall therefore deem it improper to prefer an impeachment, then will the violation of that privilege as it respects that house, of justice as it regards the President, and of the Constitution, as it relates to both, be only the more conspicuous and impressive.

The Constitutional mode of procedure on an impeachment, has not only been wholly disregarded, but some of the first principles of natural right and enlightened jurisprudence, have been violated in the very form of the resolution. It carefully abstains from averring in *which* of " the ' late proceedings in relation to the public revenue, the President has as- ' sumed upon himself authority and power not conferred by the Constitu- ' tion and laws." It carefully abstains from specifying what laws or what parts of the Constitution have been violated. Why was not the certainty of the offence—" the nature and cause of the accusation "—set out in the manner required in the Constitution, before even the humblest individual, for the smallest crime, can be exposed to condemnation? Such a specification was due to the accused, that he might direct his de-

fence to the real points of attack; to the people, that they might clearly understand in what particulars their institutions had been violated; and to the truth and certainty of our public annals. As the record now stands, whilst the resolution plainly charges upon the President at least one act of usurpation in the "late Executive proceedings in relation to the public rev-'enue," and is so framed that those Senators who believed that one such act, and only one, had been committed, could assent to it; its language is yet broad enough to include several such acts; and so it may have been regarded by some of those who voted for it. But though the accusation is thus comprehensive in the censures which it implies, there is no such certainty of time, place, or circumstance, as to exhibit the particular conclusion of fact or law which induced any one Senator to vote for it.—And it may well have happened, that whilst one Senator believed that some particular act embraced in the resolution, was an arbitrary and unconstitutional assumption of power, others of the majority may have deemed that very act both constitutional and expedient, or if not expedient, yet still within the pale of the Constitution. And thus a majority of the Senators may have been enabled to concur in a vague and undefined resolution, that the President, in the course of the "late Executive pro-'ceedings in relation to the public revenue," had violated the Constitution and laws; whilst, if a separate vote had been taken in respect to each particular act, included within the general terms, the accusers of the President, might on any such vote, have been found in the minority.

Still further to exemplify this feature of the proceeding, it is important to be remarked, that the resolution, as originally offered to the Senate, specified, with adequate precision certain acts of the president, which it denounced as a violation of the Constitution and laws; and that it was not until the very close of the debate, and when perhaps it was apprehended that a majority might not sustain the specific accusation contained in it, that the resolution was so modified as to assume its present form. A more striking illustration of the soundness and necessity of the rules which forbid vague and indefinite generalities, and require a reasonable certainty in all judicial allegations; and a more glaring instance of the violation of those rules, has seldom been exhibited.

In this view of the resolution it must certainly be regarded not as a vindication of any particular provision of the law or the Constitution, but simply as an official rebuke or condemnatory scentence, too general and indefinite to be easily repelled, but yet sufficiently precise to bring into discredit the conduct and motives of the Executive.

But whatever it may have been intended to accomplish, it is obvious, that the vague, general, and abstract form of the resolution, is in perfect keeping with those other departures from first principles and settled improvements in jurisprudence, so properly the boast of free countries in modern times. And it is not too much to say of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established instituets, in bills of rights, in sacred charters and in Constitution of Government, the right of every citizen, to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain.

If the resolution had been left in its original form, it is not to be presumed that it could ever have received the assent of a majority of the Senate, for the acts therein specified as violations of the Constitution and laws, were clearly within the limits of the Executive authority. They are the "dismissing the late Secretary of the Treasury, because he would

'not, contrary to his sense of his own duty, remove the money of the 'United States in the deposit with the bank of the United States and 'its branches, in conformity with the President's opinion; and appoint-'ing his successor to effect such removal, which has been done." But as no other specification has been substituted, and as these were the "Execu-'tive proceedings in relation to the public revenue," principally referred to in the course of the discussion, they will doubtless be generally regarded as the acts intended to be denounced as "an assumption of authority 'and power, not conferred by the Constitution or laws, but in derogation 'of both." It is therefore, due to the occasion that a condensed summary of the views of the Executive in respect to them, should be here exhibited.

By the Constitution the "Executive power is vested in the President of the United States. Among the duties imposed upon him, and which he is sworn to perform, is that of "taking care that the laws be faithfully executed." Being thus made responsible for the entire action of the Executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature Executive—should remain in his hands. It is therefore not only his right, but the Constitution makes it his duty, to "nominate, and by, and with the advice and consent of the Senate, appoint," all "officers of the United States, whose appointments are not in the Constitution otherwise provided for," with the proviso that the appointment of inferior officers may be vested in the President alone, in the Courts of Justice, or in the Heads of Departments.

The Executive power vested in the Senate is neither that of 'nominating,' nor 'appointing.' It is merely a check upon the Executive power of appointment. If individuals are proposed for appointment by the President, by them deemed incompetent or unworthy, they may withhold their consent, and the appointment cannot be made. They check the action of the Executive, but cannot in relation to these very subjects, act themselves, nor direct him. Selections are still made by the President, and the negative given to the Senate, without diminishing his responsibility, furnishes an additional guarantee to the country that the subordinate executive, as well as the judicial offices, shall be filled with worthy and competent men.

The whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence, that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts. In strict accordance with this principle, the power of removal, which like that of apointment, is an original Executive power, is left unchecked by the constitution, in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the government from which many of the fundamental prineiples of our sistem are derived, the Head of the Executive Department originally had power to appoiht and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal and thus make them independent of the Executive, that the tenure of their offices was changed to good behaviour. Nor is it conceivable, why they are placed, in our Constitution, upon a tenure different from that of all other officers appointed by the Executive, unless it be for the same purpose.

But, if there were any just ground for doubt on the face of the Consti-

tution, whether all executive officers are removable at the will of the President, it is obviated by cotemporaneous construction of the instrument and the uniform practice under it.

The power of removal was a topic of solemn debate in the Congress of 1789, while organizing the administrative departments of the Government, and it was finally decided, that the President derived from the Constitution, the power of removal, so far as it regards the department for whose acts he is responsible. Although the debate covered the whole ground, embracing the Treasury as well as all the other Executive Departments, it arose on a motion to strike out of the bill to establish a Department of Foreign Affairs, since called the Department of State, a clause declaring the Secretary "to be removable from office by the President of the United States." After that motion had been decided in the negative, it was perceived that these words did not convey the sense of the House of Representatives, in relation to the true source of the power of removal. With the avowed object of preventing any future inference, that this power was exercised by the President in virtue of a grant from Congress, when in fact that body considered it as derived from the Constitution, the words which had been the subject of debate were struck out, and in lieu thereof a clause was inserted in a provision concerning the Chief Clerk of the Department, which declared that "whenever the said "principal officer shall be *removed* from office by the President of the "United States, or in any other case of vacancy," the Chief Clerk should, during such vacancy, have charge of the papers of the office. This change having been made for the express purpose of declaring the sense of Congress, that the President derived the power of removal from the Constitution the act as it passed has always been considered as a full expression of the sense of the Legislature on this important part of the American Constitution.

Here then we have the concurrent authority of President Washington, of the Senate and House of Representatives, numbers of whom had taken an active part in the convention which framed the Constitution, and in the State conventions, which adopted it, that the President derived an unquallified power of removal from that instrument itself, which is "beyond the reach of Legislative authority." Upon this principle the Government has now been steadily administered for about forty-five years, during which there have been numerous removals made by the President or by his direction, embracing every grade of Executive officers, from the Heads of Departments to the messengers of Bureaus.

The Treasury Department, in the discussion of 1789, was considered on the same footing as the other Executive Departments, and in the act establishing it, the precise words incorporated indicative of the sense of Congress, that the President derives his power to remove the Secretary from the Constitution, which appear in the act establishing the Department of Foreign Affairs. An assistant Secretary of the Treasury was created, and it was provided that he should take charge of the books and papers of the Department, "whenever the Secretary shall be *removed* from office by the President of the United States." The Secretary of the Treasury being appointed by the President, and being considered as Constitutionally removable by him, it appears never to have occurred to any one in the Congress of 1789, or since, until very recently, that he was other than an Executive officer, the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other Heads of Departments to his supervision and control. No such idea as an officer of the Congress can be found in the Constitution, or appears to have sugges-

ted itself to those who organized the Government. There are officers of each House, the appointment of which is authorized by the Constitution, but all officers referred to in that instrument, as coming within the appointing power of the President, whether established thereby or created by law, are "Officers of the United States." No joint power of appointment is given to the two Houses of Congress nor is there any accountability to them as one body; but as soon as any office is created by law, of whatever name or character, the appointment of the person or persons to fill it, devolves by the Constitution upon the President, with the advice and consent of the Senate, unless it be an inferior office, and the appointment be vested by the law itself "in the President alone, in the courts of law, or 'the Heads of the Departments."

But at the time of the organization of the Treasury Department, an incident occurred which distinctly evinces the unanimous concurrence of the first Congress in the principle that the Treasury Department is wholly Executive in its character and responsibilities. A motion was made to strike out the provision of the bill making it the duty of the Secretary "to 'digest and report plans for the improvement and management of the rev-'enue, and for the support of public credit," on the ground that it would give the Executive Department of the Government too much influence and power in Congress. The motion was not opposed on the ground that the Secretary was the officer of Congress and responsible to that body, which would have been conclusive, if admitted, but on other grounds which conceded his Executive character throughout. The whole discussion evinces an unanimous concurrence in the principle, that the Secretary of the Treasury is wholly an Executive officer, and the struggle of the minority was to restrict his power as such. From that time down to the present, the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and Clerks, who fill the offices of that Department, have, in the practice of the Government, been considered and treated as on the same footing with the corresponding grades of officers in all the other Executive Departments.

The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the Executive Department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States, (excepting that which is in the use of the several co-ordiate Departments of the Government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The Superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will.

Public money is but a species of public property. It cannot be raised by taxation or customs, nor, brought into the Treasury in any other way except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the Constitution be changed, intrusted to the Executive Department. No officer, can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the Constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reasons it shall be removed, as they may direct that supplies for the army or

navy shall be kept in particular stores; and it will be the duty of the President to see that the law is faithfully executed—yet will the custody remain in the Executive Department of the Government. Were the Congress to assume, with or without a legislative act the power of appointing officers independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines, and storehouses, it is believed that such an act would be regarded by all as a palpable usurpation of Executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference in principle, whether the public property be in the form of arms, munitions of war, and supplies, or in gold and silver, or bank notes? None can be perceived—none is believed to exist. Congress cannot, therefore, take out of the hands of the Executive Department, the custody of the public property or money, without an assumption of Executive power, and subversion of the first painciples of the Constitution.

The Congress of the United States have never passed an act imperatively directing that the public moneys shall be kept in any particular place or places. From the origin of the Government to the year 1816, the statute book was wholly silent on the subject. In 1789, a Treasurer was created, subordinate to the Secretary of the Treasury, and through him to the President. He was required to give bond, safely to keep, and faithfully to disburse the public moneys, without any direction as to the maner or places in which they should be kept. By reference to the practice of the Government, it is found, that from its first organization, the Secretary of the Treasury, acting under the supervision of the President, designated the places in which the public moneys should be kept, and specially directed all transfers from place to place. This practice was continued, with the silent acquiescence of Congress, from 1789 down to 1816; and although many banks were selected and discharged, and although a portion of the moneys were first placed in the State Banks, and then in the former Banks of the United States, and upon the dissolution of that, were again transferred to the State Banks, no legislation was thought necessary by Congress, and all the operations were originated and perfected by Executive authority. The Secretary of the Treasury, responsible to the President, and with his approbation, made contracts and arrangements in relation to the whole subject matter, which was thus entirely committed to the direction of the President, under his responsibilities to the American People, and to those who were authorized to impeach and punish him for any breach of this important trust.

The act of 1816, establishing the Bank of the United States, directed the deposits of public money to be made in that bank and its branches, in places in which the said bank and branches thereof may be established, "unless the Secretary of the Treasury should otherwise order and direct," in which event, he was required to give his reasons to Congress. This was but a continuation of his pre-existing powers as the Head of the Executive Department, to direct were the deposits should be made, with the superadded obligation of giving his reasons to Congress for making them elsewhere than in the Bank of the United States and its branches. It is not to be considered that this provision in any degree, altered the relation between the Secretary of the Treasury and the President, as the responsible Head of the Executive Department, or released the latter from his Constitutional obligation to "take care that the laws be faithfully executed." On the contrary, it increased his responsibilities, by adding another to the long list of laws which it was his duty to carry into effect.

It would be an extraordinary result, if, because the person charged by the law with a public duty, is one of the Secretaries, it were less the duty of the President to see that law faithfully executed, than other laws enjoining duties upon subordinate officers or private citizens. If there be any difference, it would seem that the obligation is the stronger in relation to the former, because the neglect is in his presence, and the remedy at hand.

It cannot be doubted that it was the legal duty of the Secretary of the treasury to order and direct the deposits of the public money to be made elsewhere than in the Bank of the United States, *whenever sufficient reasons existed for making the change*. If, in such case, he neglected or refused to act, he would neglect or refuse to execute the law. What would then be the sworn duty of the President? Could he say that the Constitution did not bind him to see the law faithfully executed, because it was one of his Secretaries, and not himself upon whom the service was specially imposed? Might he not be asked whether there was any such limitation to his obligations prescribed in the Constitution? Whether he is not equally bound to take care that the laws be faithfully executed, whether they impose duties on the highest officer of State, or the lowest subordinate in any of the departments? Might he not be told, that it was for the sole purpose of causing all Executive officers, from the highest to the lowest, faithfully to perform the services required of them by law—that the People of the United States have made him their Chief Magistrate, and the Constitution has clothed him with the entire Executive power of this Government? The principles implied in these questions appear too plain to need elucidation.

But here, also, we have a cotemporaneous construction of the act, which shows that it was not understood as in any way changing the relations between the President and Secretary of the Treasury or as placing the latter out of Executive control, even in relation to the deposits of the public money. Nor on this point are we left to any equivocal testimony. The documents of the Treasury Department show that the Secretary of the Treasury did apply to the President, and obtain his approbation and sanction to the original transfer of the public deposits to the present Bank of the United States, and did carry the measure into effect in obedience to his decision. They also show that the transfers of the public deposits from the Branches of the Bank of the United States to the State Banks, at Chilicothe, Cincinnati, and Louisville, in 1819, were made with the approbation of the President, and by his authority. They show that upon all important questions appertaining to his Department, whether they related to the public deposits or other matters, it was the constant practice of the Secretary of the Treasury to obtain for his acts the approval and sanction of the President. These acts, and the principles on which they were founded, were known to all the departments of the Government, to Congress, and the country; and, until very recently, appear never to have been called in question.

Thus it was settled by the Constitution, the laws, and the whole practice of the Government, that the entire Executive power is vested in the President of the United States; that as incident to that power, the right of appointing and removing those officers who are to aid him in the execution of the laws, with such restrictions only as the Constitution prescribes, is vested in the President; that the Secretary of the Treasury is one of those officers; that the custody of the public property and money is an executive function, which in relation to the money, has always been exercised through the Secretary of the Treasury and his subordinates;

that in the performance of these duties, he is subject to the supervision and control of the President, and in all important measures having relation to them, consults the Chief Magistrate, and obtains his approval and sanction; that the law establishing the Bank did not, as it could not, change the relation between the President and Secretary—did not release the former from his obligation to see the law faithfully executed, nor the latter from the President's supervision and control; that afterwards, and before, the Secretary did in fact consult, and obtain the sanction of the President, to transfers and removals of the public deposits; and that all departments of the Government, and the nation itself, approved or acquiesced in these acts and principles, as in strict conformity with our Constitution and laws.

During the last year, the approaching termination, according to the provisions of its charter and the solemn decision of the American People, of the Bank of the United States, made it expedient, and its exposed abuses and corruptions, made it, in my opinion, the duty of the Secretary of the Treasury, to place the moneys of the United States in other depositories. The Secretary did not concur in that opinion, and declined giving the necessary order and direction. So glaring were the abuses and corruptions of the bank, so evident its fixed purpose to persevere in them, and so palpable its design, by its money and power, to control the Government and change its character, that I deemed it the imperative duty of the Executive authority, by the exertion of every power confided to it by the Constitution and laws, to check its career, and lesson its ability to do mischief, even in the painful alternative of dismissing the Head of one the Departments. At the time the removal was made, other causes sufficient to justify it existed; but if they had not, the Secretary would have been dismissed for this cause only.

His place I supplied by one whose opinions were well known to me, and whose frank expression of them, in another situation, and whose generous sacrifices of interest and feeling, when unexpectedly called to the station he now occupies, ought forever to have shielded his motives from suspicion, and his character from reproach. In accordance with the opinions long before expressed by him, he proceeded, with my sanction, to make arrangements for depositing the moneys of the United States in other safe institutions.

The resolution of the Senate, as originally framed, and as passed if it refers to these acts, presupposes a right in that body to interfere with this exercise of Executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If, by a mere denunciation like this resolution, the President should ever be induced to act, in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the Constitutional independence of the Executive Department would be as effectually destroyed, and its power as effectually transferred to the Senate, as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the Executive powers, they have also the right to make that interference effective; and if the assertion of the power implied in the resolution be silently acquiesced in, we may reasonably apprehend that it will be followed, at some future day by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions; to pass the necessary laws; to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President. It has already been main-

tained (and it is not conceivable that the resolution of the Senate can be based on any other principle) that the Secretary of the Treasury is the officer of Congress, and independent of the President; that the President has no right to control him, and consequently none to remove him. With the same propriety, and on similar grounds, may the Secretary of State, the Secretaries of War and the Navy, and the Postmaster General, each in succession, be declared independent of the President, and subordinates of Congress, and removable only with the concurrence of the Senate. Followed to its consequences, the principle will be found effectually to destroy one co-ordinate Department of the Government, to concentrate in the hands of the Senate the whole Executive power, and to leave the President as powerless as he would be useless—the shadow of authority, after the substance had departed.

The time and the occasion which have called forth the resolution of the Senate, seem to impose upon me an additional obligation not to pass it over in silence. Nearly forty-five years had the President exercised, without a question as to his rightful authority, those powers for the recent assumption of which he is now denounced. The vicissitudes of peace and war had attended our Government, violent parties, watchful to take advantage of any seeming usurpation on the part of the Executive, had distracted our counsels; frequent removals, or forced resignations, in every sense tantamount to removals had been made of the Secretary and other officers of the Treasury; and yet, in no one instance is it known that any man, whether patriot or partisan, had raised his voice against it as a violation of the Constitution. The expediency and justice of such changes, in reference to public officers of all grades, have frequently been the topics of discussion; but the Constitutional right of the President to appoint, control, and remove the Head of the Treasury, as well as all other Departments, seems to have been universally conceded. And what is the occasion upon which other principles have been first officially asserted? The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter, by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt, was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures, with the view of making another vigorous effort, through an interference in the elections of the People, to control public opinion and force the Government to yield its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government Directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in tne opinion of the President, incompatible with the public interest and the safety of our institutions, that it should be longer employed the fiscal agent of the Treasury. A secretary of the Treasury. A Secretary of the Treasury, appointed in the recess of the Senate, who had not been confirmed by that body and whom the President might or might not at his pleasure nominate to them, refused to do what his superior in the Executive Department considered the most imperative of his duties, and because in fact, however innocent his motives, the protector of the Bank. And on this occasion it is discovered for the first time, that those who framed the Constitution misunderstood it; that the first Congress and all its successors have been under a delusion: that the practice of near forty-five years, is but a continued usurpation; that the Secretary of the Treasury is not responsible to the President; and that to remove him is a violation of the Constitution and laws, for which the President deserves to stand forever dishonored on the journals of the Senate.

There are also some other circumstances connected with the discussion and passages of the resolution, to which I feel it to be, not only my right, but my duty, to refer. It appears by the journal of the Senate, that among the twenty-six Senators who voted for the resolution on its final passage, and who had supported it in debate, in its original form, were one of the Senators from the State of Maine, the two Senators from New-Jersey, and one of the Senators from Ohio. It also appears by the same journal, and by the files of the Senate, that the Legislatures of those States had severally expressed their opinions in respect to the Executive proceedings drawn in question before the Senate.

The two branches of the Legislature of the State of Maine, on the 25th of January, 1834, passed a preamble and series of resolutions in the following words:

"Whereas, at an early period after the election of Andrew Jackson to "the presidency, in accordance with the sentiments which he had uni- "formly expressed, the attention of Congress was called to the constitu- "tionality and expediency of the renewal of the charter of the U. States "Bank: And whereas, the Bank has transceded its chartered limits in "the management of its business transactions, and has abandoned the "object of its creation, by engaging in political controversies, by wield- "ing its power and influence to embarrass the administration of the Gen- "eral Government, and by bringing insolvency and distress upon the com- "mercial community: And whereas, the public security from such an "institution consists less in its present pecuniary capacity to discharge "its liabilities than in the fidelity with which the trusts reposed in it have "been executed: And whereas, the abuse and misapplication of the "powers conferred have destroyed the confidence of the public in the of- "ficers of the Bank, and demonstrated that such powers endangered the "stability of republican institutions: Therefore, *Resolved*, That in the "removal of the public deposits from the Bank of the United States, as "well as in the manner of their removal, we recognize in the administra- "tion an adherence to constitutional rights, and the performance of a "public duty.

"*Resolved*, That this Legislature entertain the same opinion as here- "tofore expressed by preceding Legislatures of this State, that the Bank "of the United States ought not to be rechartered.

"*Resolved*, That the Senators of this State in the Congress of the "United States be instructed, and the Representatives be requested, to "oppose the resolution of the deposits and the renewal of the charter of "the United States Bank."

On the 11th of January, 1834, the House of Assembly and Council composing the Legislature of the State of New Jersey, passed a preamble and a series of resolutions in the following words:

"Whereas the present crisis in our public affairs calls for a decided "expression of the voice of the people of this State: and whereas we con- "sider it the undoubted right of the Legislature of the several States to "instruct those who represent their interests in the councils of the na- "tion, in all matters which intimately concern the public weal, and may "affect the happiness or well being of the people: Therefore,

"*Be it resolved by the Council and General Assembly of this* "*State*, That while we acknowledge with feelings of devout gratitude our "obligations to the great Ruler of nations for his mercies to us as a peo- "ple, that we have been preserved alike from foreign war, from the evils "of internal commotions, and the machinations of designing and ambi- "tious men who would prostrate the fair fabric of our Union; that we

" ought, nevertheless, to humble ourselves in his presence and implore " his aid for the perpetuation of our republican institutions, and for a " continuance of that unexampled prosperity which our country has hith- " erto enjoyed.

" 2. *Resolved*, That we have undiminished confidence in the integri- " ty and firmness of the venerable patriot who now holds the distinguish- " ed post of Chief Magistrate of this nation, and whose purity of purpose " and elevated motives have so often received the unqualified approbation " of a large majority of his fellow citizens.

" 3. *Resolved*, That we view with agitation and alarm the exis- " tence of a great moneyed incorporation, which threatens to embarrass " the operations of the Government, and by means of its unbounded in- " fluence upon the currency of the country, to scatter distress and ruin " throughout the community; and, that we therefore, solemnly believe the " present Bank of the United States ought not to be rechartered.

" 4. *Resolved*, That our Senators in Congress be instructed, and our " members of the House of Representatives be requested to sustain, by " their votes and influence, the course adopted by the Secretary of the " Treasury, Mr. Taney, in relation to the Bank of the United States and " the deposits of the Government moneys, believing as we do the course " of the Secretary to have been constitutional, and that the public good " required its adoption."

On the 21st of February last, the Legislature of the same State, reiterated the opinions and instructions before given, by joint resolutions, in the following words :

" *Resolved by the Council and General Assembly of the State of* " *New-Jersey*, That they do adhere to the resolutions passed by them on " 11th day of January last, relative to the President of the United States, " the Bank of the United States, and the course of Mr. Taney in remov- " ing the Government deposits.

" *Resolved*, That the Legislature of New-Jersey have not seen any " reason to depart from such resolutions since the passage thereof; and " it is their wish that they should receive from our Senators and Repre- " sentatives of this State in the Congress of the United States, that at- " tention and obedience which are due to the opinion of a sovereign State, " openly expressed in its Legislative capacity."

On the 2d of January, 1834, the Senate and House of Representatives composing the Legislature of Ohio, passed a preamble and resolutions in the following words:

" Whereas there is reason to believe that the Bank of the United States " will attempt to obtain a renewal of its charter at the present session of " Congress. And whereas it is abundantly evident that said Bank has " exercised powers derogatory to the spirit of our free institutions and " dangerous to the liberties of these United States : And whereas, there " is just reason to doubt the constitutional power of Congress to grant " acts of incorporation for banking purposes out of the District of Colum- " bia : And whereas we believe the proper disposal of the public lands " to be of the utmost importance to the people of these United States, " and that honor and good faith require their equitable distribution: " Therefore,

" *Resolved by the General Assembly of the State of Ohio*, That " we consider the removal of the public deposites from the Bank of the " U. States as required by the best interests of our country, and that a " proper sense of public duty imperiously demanded that that institution " should be no longer used as a depository of the public funds."

"*Resolved*, also, That we view, with decided disapprobation, the renewed attempts in Congress to secure the passage of the bill providing "for the disposal of the public domain upon the principle proposed by "Mr. Clay, inasmuch as we believe that such a law would be unequal in "its operations, and unjust in its results.

"*Resolved*, also, That we heartily approve of the principles set forth "in the late veto message upon this subject, and

"*Resolved*, That our Senators in Congress be instructed, and our "Representatives requested, to use their influence to prevent the rechartering of the Bank of the United States; to sustain the administration "in its removal of the public deposits; and to oppose the passage of "a land bill containing the principles adopted in the act upon that subject passed at the last session of Congress.

"*Resolved*, That the Governor be requested to transmit copies of the "froegoing preamble and resolutions to each of our Senators and Representatives."

It is thus seen that four Senators have declared by their votes that the President, in the Executive proceedings in relation to the revenue, had been guilty of the impeachable offence of "assuming upon himself authority and power not conferred by the Constitution and laws, but in "derogation of both," whilst the Legislatures of their respective States had deliberately approved those very proceedings, as consistent with the Constitution, and demanded by the public good. If these four votes had been given in accordance with the sentiments of the Legislatures, as above expressed, there would have been but twenty-four votes out of forty-six for censuring the President, and the unprecedented record of his conviction could not have been placed upon the journals of the Senate.

In thus referring to the resolutions and instructions of the State Legislatures, I disclaim and repudiate all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents and their country. The facts now stated belong to the history of these proceedings, and are important to the just developement of the principles and interests involved in them, as well as to the proper vindication of the Executive Department; and with that view, and that view only, are they here made the topic of remark.

The dangerous tendency of the doctrine which denies to the President the power of the supervising, directing, and removing the Secretary of the Treasury, in like manner with other Executive offices, would soon be manifest in practice, were the doctrine to be established. The President is the direct representative of the American People, but the Secretaries are not. If the Secretary of the Treasury be independent of the President in the execution of the laws, then is there no direct responsibility to the People in the important branch of this Government, to which is committed the care of the national finances. And it is in the power of the Bank of the United States, or any other corporation, body of men, or individuals, if a Secretary shall be found to accord with them in opinion, or can be induced in practice to promote their views, to control, through him, the whole action of Government, (so far as it is exercised by his Department,) in defiance of the Chief Magistrate elected by the People and responsible to them.

But the evil tendency of the particular doctrine adverted to, though superficially serious, would be as nothing in comparison with the pernicious consequences which would inevitably flow from the approbation and allowance by the People, and the practice by the Senate, of the unconstitutional power of arraigning and censuring the official conduct of the Ex-

ecutive, in the manner recently pursued. Such proceedings are eminently calculated to unsettle the foundations of the Government; to disturb the harmonious action of the different Departments: and to break down the checks and balances by which the wisdom of its framers sought to ensure its stability and usefulness.

The honest differences of opinion which occasionally exist between the Senate and President, in regard to matters in which both are obliged to participate, are sufficiently embarrassing. But if the course recently adopted by the Senate shall hereafter be frequently pursued, it is not only obvious that the harmony of the relations between the President and the Senate will be destroyed, but that other and graver effects will ultimately ensue. If the censures of the Senate be submitted to by the President, the confidence of the People in his ability and virtue and the character and usefulness of his administration, will soon be at an end, and the real power of the Government will fall into the hands of a body, holding their offices for long terms, not elected by the People, and not to them directly responsible. If, on the other hand, the illegal censures of the Senate should be resisted by the President, collisions and angry controversies might ensue, discreditable in their progress, and in the end compelling the People to adopt the conclusion, either that their Chief Magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice. Either of these results would impair public confidence in the perfection of the system, and lead to serious alterations of its frame work, or to the practical abandonment of some of its provisions.

The influence of such proceedings in the other departments of the Government, and more especially on the States, could not fail to be extensively pernicious. When the judges in the last resort of official misconduct, themselves overleaped the bounds of their authority, as prescribed by the Constitution, what general disregard of its provisions might not their example be expected to produce? And who does not perceive that such contempt of the Federal Constitution, by one of its most important Departments; would hold out the strongest temptation to resistance on the part of the State sovereignties, whenever they shall suppose their just rights to have been invaded? Thus all the independent Departments of the Government, and the States which compose our confederated Union, instead of attending to their appropriate duties, and leaving those who may offend, to be reclaimed or punished in the manner pointed out in the Constitution, would fall to mutual crimination and recrimination, and give to the People, confusion and anarchy, instead of order and law; until at length some form of aristocratic power would be established on the ruins of the Constitution, or the States be broken into separate communities.

Far be it from me to charge, or to insinuate, that the present Senate of the United States intended in the most distant way, to encourage such a result. It is not of their motives or designs, but only of the tendency of their acts, that is my duty to speak. It is, if possible, to make Senators themselves sensible of the danger which lurks under the precedent set in their resolution; and at any rate to perform my duty, as the responsible Head of one of the co-equal Departments of the Government, that I have been compelled to point out the consequences to which the discussion and passage of the resolutions may lead, if the tendency of the measure be not checked in its inception. It is due to the high trust with which I have been charged; to those who may be called to succeed me in it; to the Representatives of the People, whose constitutional prerogative

has been unlawfully assumed; to the People and to the States; and to the Constitution they have established; that I shall not permit its provisions to be broken down by such an attack on the Executive Department, without at least some effort "to preserve, protect, and defend them."

With this view, and for the reasons which have been stated, I do hereby SOLEMNLY PROTEST against the afore-mentioned proceedings of the Senate, as unauthorized by the Constitution; contrary to its spirit and to several of its express provisions; subversive of that distribution of the powers of government which it has ordained and established; destructive of the checks and safe guards by which those powers were intended, on the one hand to be controlled, and on the other to be protected and calculated by their immediate and collateral effects, by their character and tendency, to concentrate in the hands of a body not directly amenable to the People, a degree of influence and power dangerous to their liberties, and fatal to the Constitution of their choice.

The resolution of the Senate contains an imputation upon my private as well as upon my public character; and as it must stand forever on their journals, I cannot close this substitute for that defence which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purpose from such an imputation. In vain do I bear upon my person, enduring memorials of that contest in which American liberty was purchased—in vain have I since periled property, fame, and life, in defence of the rights and privileges so dearly bought—in vain am I now, without a personal aspiration, or the hope of individual advantage, encountering responsibilities and dangers, from which, by mere inactivity in relation to a single point, I might have been exempt—if any serious doubts can be entertained as to the purity of my purpose and motives. If I had been ambitious, I should have sought an alliance with that powerful institution, which even now aspires to no divided empire. If I had been venal, I should have sold myself to its designs—had I prefered personal comfort and official ease to the performance of my arduous duty, I should cease to molest it. In the history of conquerors and usurpers, never, in the fire of youth, nor in the vigor of manhood, could I find an attraction to lure me from the path of duty; and now, I shall scarcely find an inducement to commence their career of ambition, when gray hairs and a decaying frame, instead of inviting to toil and battle, call me to the contemplation of other worlds, where conquerors cease to be honored, and usurpers expiate their crimes. The only ambition I can feel, is to acquit myself to Him to whom I must soon render an account of my stewardship, to serve my fellow men, and live respected and honored in the history of my country. No; the ambition which leads me on, is an anxious desire and a fixed determination, to return to the people unimpaired, the sacred trust they have confided to my charge—to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid Government, supported by powerful monopolies and aristocratical establishments, that they will find happiness, or their liberties protection; but in a plain system, void of pomp—protecting all, and granting favors to none—dispensing its blessings like the dews of Heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce. It is such a Government that the genius of our people requires—such a one only under which our States may remain for ages to come, united, prosperous, and free. If the Almighty Being who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a

result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief, that I have contributed, in some small degree, to increase the value and prolong the duration of American Liberty.

To the end that the resolution of the Senate may not be hereafter drawn into precedent, with the authority of silent acquiescence on the part of the executive department, and to the end, also, that my motives and views in the Executive proceedings denounced in that resolution, may be known to my fellow-citizens, to the world and to all posterity, I respectfully request that this Message and Protest may be entered at length on the Journal of the Senate.*

NOTE—Since the first sheets of this volume, containing the biographical sketch of General Jackson, went to press, the *expunging* resolutions of Thomas H. Benton, was passed in the United States Senate, by a triumphant majority.

*The date at the commencement of the Protest, should read April 15, 1834, instead of April 15, 1836.

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